LEGISLATIVE COUNCIL

Wednesday 22 October 1986

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Supreme Court Act 1935—Report of the Judges of the Supreme Court of South Australia, 1985.

QUESTIONS

ACCOMMODATION FOR DISABLED

The Hon. M.B CAMERON: I seek leave to make a brief explanation before asking the Minister of Health a question about intellectually and physically disabled people.

Leave granted.

The Hon. M.B. CAMERON: My questions relate to the shortage of accommodation for intellectually and/or physically disabled people. I understand that one ward of 20 beds at the Julia Farr Centre has been closed and I am informed that there is a firm proposal being discussed to close another ward of 20 beds. I believe, also, that the centre is to be reduced from 570 beds to 400, and that already the criteria for entry have been made tougher. I am further told that two villas at the Regency Park Centre for Young Disabled, each comprising 12 beds for live-in accommodation, have been closed and are being used as office accommodation and that the rest are to be phased out. Members will be fully aware that the Payneham Rehabilitation Centre is to be closed. I have received information that the Hampstead Head Injury Unit of 40 beds has been closed and replaced by a unit at Julia Farr of 23 beds. I understand many people with brain injuries cannot get accommodation and even though they might be young, they are being placed in geriatric homes.

The Royal Adelaide Hospital's head injury ward is normally full, and I am told that the average turnover in this ward is about 10 people a week. Anyone watching the road toll would know well that the need for accommodation, for brain-injured people in particular, must surely be increasing. In addition, this shortage of accommodation is putting enormous strain on families, particularly single parents—and I have some knowledge of single parents in this situation—who have to cope for a full 24 hours a day with looking after people with very serious disabilities.

Is accommodation for mentally and/or physically disabled people being phased out? If so, where does the Minister anticipate that the many people who need this accommodation will be accommodated in future? Does he realise the problems this is causing and will cause in the future to families, particularly single parents, who have to cope with looking after these people for 24 hours every day?

The Hon. J.R. CORNWALL: Accommodation for the intellectually disabled and the physically disabled is certainly not being phased out. Appropriate accommodation is being provided in an expanded way. The area of intellectual disability, for example, has been a growth area now over four successive budgets. There is no other area within my portfolio where their has, in percentage terms, been a greater growth of funding than to the Intellectually Disabled Services Council.

What is happening, of course, is that the policy is one of normalisation, the least restrictive alternative. The accommodation in this enlightened age is progressively more and more in the community. We use substantially more community houses. The large institutions, which traditionally were used to some extent at least as a repository for the intellectually disabled, and even, sadly might I say in dark days gone by, for the physically disabled, are no longer considered to be an appropriate form of accommodation for many of those people.

There is, of course, a burgeoning demand: the simple fact is that increases in treatment and therapy mean that the life expectancy now of the greater majority of intellectually disabled people, and to some extent also physically disabled people, is very significantly greater than it used to be. The general policy, and the practice, is that these people should be accommodated in their own homes, in their own communities, and in group homes in local communities in situations approximating as nearly as possible what the rest of us would expect in community living. That, of course, inevitably has had an impact on a number of institutions, for example, the Julia Farr Centre.

It is fair to say that in the bad old days when the Julia Farr Centre was known as the Home for Incurables—it was a repository, very often, given the social values of the time, for members of families who could have coped very well in community settings had they been given as little as two or three hours support, whether nursing or other paramedical support, or simply domiciliary care.

That situation no longer prevails at the Julia Farr Centre. Dr Peter Last, the Director of Clinical Services, absolutely correctly and properly, has now a set of quite strict criteria for assessment of individuals before they are admitted as residents of the Julia Farr Centre. It is no longer, I am happy to say, a repository for people who can be appropriately accommodated in their own environments and in local communities for the sake of two or three hours support daily from our very good services.

I am not aware of any proposal to reduce the number of beds at the Julia Farr Centre from 570 to 400; I think that is a product of the honourable member's fertile imagination. Were that day ever to arrive, however, it should be a day for great rejoicing. Nobody seriously suggests that people are better accommodated in large institutions rather than in ordinary suburban homes. Unfortunately, we have not yet reached that point. If the day ever comes when we can reduce the Julia Farr accommodation to 400 people and still meet the special needs of the classes of people who are currently accommodated in the centre, then I for one will be pleased indeed.

I also make the following point clear—because the Hon. Mr Cameron has this one on recycle, of course; he tried to give it a bit of a run last week in an attempt to beat up a storm, although his story last week did not develop legs; he could not get it running so he has given it another try today. Let me make it absolutely clear that no current resident of Julia Farr Centre will be displaced under any circumstance that I would possibly conceive. None of the residents at Julia Farr Centre must in any circumstances pay any heed to the Hon. Mr Cameron's irresponsible allegations. However, I would repeat that the criteria are not tougher: the criteria are different. These days people are assessed as needing full support at Julia Farr before they are admitted. Other alternatives are always very seriously canvassed, which, as I said, would see them stay in the community.

With regard to Regency Park, I find it difficult to comment. The State Government does not fund Regency Park. The Health Commission does not have any direct responsibility for Regency Park. Obviously, we cooperate with Regency Park in developing overall policies for the intellectually disabled, and the Intellectually Disabled Services Council does, in fact, work in cooperation with Regency Park, as it does with the spastic centres. Incidentally, we now fund the spastic centres for the first time, to the extent of, I think, $700 000 in the recurrent budget. That was picked up last year for the first time, as part of the many millions of dollars in additional funds in real terms that have gone into this area of intellectual disability. It is wrong, irresponsible, and, frankly, I think reprehensible to be trying to drum up storms in these areas relating to intellectual disability in particular, by saying that we are not meeting our obligations. Of course, the Julia Farr Centre is not for the intellectually disabled, and I would have thought that members should be very careful to not confuse the two.

With regard to Payneham centre, I was in Canberra yesterday to talk about the role of the staff and the facilities at Payneham as they impact specifically on the State-wide head injury service that the Health Commission and the Government are developing. The Federal Government, quite rightly, is decentralising many of its rehabilitation facilities. It will make them available through TAFE colleges, for example, around the State. I mention one specialist area in particular at Payneham, the hydrotherapy pool and the gymnasium, and some of the health professionals involved in that specific area of brain injury, which we see as being central to a specialist comprehensive program for young brain injured. It is perfectly true that the number of young brain injured people is increasing in this State by about 100 per year. So, there are literally many hundreds of young brain injured in South Australia at this time. That policy is being developed and the future of that particular physical facility at the very large Payneham complex and questions pertaining to the staff currently operating that facility are matters for ongoing, but I am happy to say, positive negotiation between Don Grimes and myself. The elements of the brain injury facilities at Hampstead Centre will be transferred to the new facilities that are being provided at Julia Farr Centre, and that will be accomplished by early next year. Accommodation will be provided at an appropriate level, both physically and numerically.

All of these things are happening. A 26 bed ward at the Julia Farr Centre has been closed. Under the new criteria for admission, there were substantially more vacancies than that at the Julia Farr Centre. It is not economical or sensible to have those vacant beds distributed throughout the Julia Farr Centre. As a matter of good management, the decision was taken that they should be consolidated into one ward and that ward could then be closed, saving the cost of cleaning, maintenance and so forth and the actual cost of that ward closure, admittedly in a difficult budget year, will be about $340 000 to $350 000. I appeal to the Hon. Mr Cameron, as shadow spokesman, that in future he behave more responsibly than he has in the past in his shadow portfolio. His attempts to destabilise me and my portfolio have had only one effect and that is that he has rapidly destabilised himself.

YES PROGRAM

The Hon. L.H. DAVIS: I seek leave to make a short explanation before asking the Minister of Youth Affairs a question about the YES program.

Leave granted.

The Hon. L.H. DAVIS: In August 1985 the State Government announced a $23 million youth employment and training package which was styled the YES program (the Youth Employment Scheme). It was launched with an advertising campaign which was conservatively estimated to cost $250 000. It was claimed that this campaign would help 6 300 young people for the period to 30 June 1986. A major part of this package was 1 600 traineeships, with the expectation that in the three year period from 1985 to 30 June 1988 the number of traineeships would exceed 8 000.

I have made inquiries amongst key private sector employers and employer groups, but I have been unable to ascertain whether there are any private sector traineeships in place as a result of the YES program. There has been widespread criticism of aspects of the YES program. Many employers have seen it as a cynical pre-election ploy, given that it was planned hastily with very little consultation with employer groups about the practicalities of the traineeship program and, as far as I can ascertain, there has been very little follow-through on the program in 1986.

I understand also that the United Trades and Labor Council was prepared to support the traineeship program only on the understanding that all trainees should be required to join the appropriate union. The unions also demanded that employers notify the union of personal details of all trainees within a fortnight of their starting work, so that trainees could be signed up with the unions. Also, union officials were to be allowed to enter any workplace without notice in order to check up on trainees, something which members opposite would be well aware is a function of the Department of Labour.

The Minister of Youth Affairs has been closely associated with the YES program and I ask her the following questions:

1. What is the current position of the YES traineeship program and how many positions have been created in the private sector?

2. What number of traineeships does the Government now expect to be created in the current financial year 1986-87?

3. Does the Minister accept that the trade unions demands regarding the compulsory joining of the union by trainees may unduly restrict the effect of development of the traineeship program?

The Hon. BARBARA WIESE: Contrary to what the Hon. Mr Davis said, I have not been closely associated with the traineeships program. As the Hon. Mr Davis should know, the Minister of Employment and Further Education is the Minister responsible for the implementation of the traineeships program. It is true that the implementation of the traineeships program in South Australia has been slower than the Government wished and that was initially due, as I understand it, to difficulties in negotiations that took place between the State Government and the Commonwealth Government in relation to the terms of the traineeship program.

More recently, negotiations have taken place within South Australia with both the trade union movement and the employers' organisations, which have certainly taken longer than the Government wished. However, it is hoped that the traineeship scheme can proceed and will be successful during this financial year. The traineeship program is only one part of the Priority 1 package that was announced by the State Government prior to the last election. The other aspects of the Priority 1 program have been extremely successful and in most cases have outstripped expectations in terms of the success that we have been able to achieve, particularly in the area of apprenticeship opportunities for young people,

which have been incredibly successful. In fact, we have placed more young people than we anticipated we would be able to in some of the apprenticeship programs.

Other programs have aimed at giving training and job opportunities to young people in country areas and they, too, have been very successful indeed. Overall, the Government's efforts with respect to the Priority 1 package have been extremely successful in this State. I hope that the slow start with the traineeship program will be overcome during this year.

The Hon. L.H. DAVIS: As a supplementary question, I direct the Minister's attention to the third question which I asked and to which she did not respond: does she accept that the trade union demands for compulsory membership of unions by trainees will unduly restrict the effect and development of the traineeship program?

The Hon. BARBARA WIESE: I am not prepared to accept the Hon. Mr Davis's description of the demands that the trade union movement has made. As I have not been negotiating with the trade union movement myself, I am not aware of the specific details of requests that it has made with respect to traineeships. So I am not able to comment in any detail about whether or not they are reasonable or unreasonable.

MARIJUANA

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about attitude to drugs.

Leave granted.

The Hon. K.T. GRIFFIN: I am informed that on 11 July 1986 an Arthur Dean Young pleaded guilty in the District Criminal Court to a number of charges relating to cultivation and possession of marijuana: three charges of cultivating cannabis, possessing cannabis and possessing equipment resulted from the detection of 19 cannabis plants growing around his house, a quantity of dried cannabis and smoking equipment.

The judge imposed fines of $50 on the charge of cultivating cannabis, a mere $5 on the charge of possessing cannabis and a mere $5 for possessing equipment for smoking cannabis—less than a parking fine. Two other charges arose from a later occasion when a tobacco tin containing cannabis was found along with smoking equipment. The judge imposed a mere $5 fine on each charge. The defendant had three previous convictions relating to Indian hemp offences.

It appears that the judge reduced the penalties partly because the defendant was unemployed. The police were of the view that the penalties were manifestly inadequate and did nothing to deter others from using cannabis. Certainly, the penalties imposed do nothing to encourage the police to investigate and prosecute these sorts of offences.

I understand that the matter was submitted to the Attorney-General by the police with a strong recommendation for appeal. Obviously, since July the time for an appeal has elapsed. Not having heard anything about it publicly, I can only presume that the Attorney-General declined to appeal. My questions are:

1. Did the Attorney-General appeal against the sentence?

2. If he did not appeal, was his decision a reflection of the Government's policy to go soft on marijuana users?

The Hon. C.J. SUMNER: On the matter of what the honourable member means by 'going soft on marijuana users', the honourable member is aware of the legislation that has passed this Parliament with respect to drugs, which contains some of the toughest penalties in Australia: that is quite clear, with respect to those drugs that are considered to be the hard drugs and, indeed, very tough penalties also with respect to trafficking in marijuana.

The case to which the honourable member is referring has not been, to my knowledge, drawn to my attention, so I am not in a position to comment. I will attempt to ascertain the circumstances of the case and bring back a reply, but I have no recollection of the matter having been referred to me for comment.

ORGANISED CRIME

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General a question about organised crime.

Leave granted.

The Hon. R.J. RITSON: The annual report of the Australian Police Ministers Council, which was tabled in the Victorian Parliament but I believe not in this Parliament, contains some alarming material. The section dealing with the activities of the Australian Bureau of Criminal Intelligence reports that a principal project during the year was identified as syndicated criminal organisations with international connections. The organisation is said to have an income of $550 million from marijuana plantations and $450 million from heroin activities.

The police claim that they have made 44 arrests in relation to seven murders connected with this organisation and that other offences were detected, including the manufacture and possession of firearms, which include sub-machine guns and an M60 machine gun. This is certainly not kiddies' stuff. The report also indicates that the group is channelling its money into other activities, and specifically lists prostitution as one of these activities.

Can the Attorney-General say whether this organisation is active in South Australia? Furthermore, given the likelihood of the legalisation of prostitution in this State, what contingency plans does the Government have in train to ensure that organised crime such as the group referred to in the report does not intrude into the prostitution industry in this State?

The Hon. C.J. SUMNER: I can only assume that the group to which the honourable member is referring is one that has already been referred to the National Crime Authority on a reference from a number of States, including South Australia, and that therefore the matter is being addressed by the authority established in Australia to deal with matters of organised crime.

With respect to the question of prostitution, I can only say that that matter is being debated in this Parliament, and the question of individual members' attitudes to that matter is for them to express during the debate on prostitution. However, an argument is put forward that if one makes an action such as prostitution illegal it is an invitation to organised crime to become involved in it because the profits in that area are made because of the illegality of the activity.

If we legalise an activity, people can conduct it openly and the capacity for organised crime to get involved is thereby lessened, because people do not feel the same constraints about going to the police if there are standover tactics or threats of that kind. So, the honourable member is drawing something of a longbow, it seems to me, by indicating that there is some connection between a Bill to decriminalise prostitution and the report to which he has referred. The fact is that organised crime gets involved in

these things because there is big money to be made out of it. The money to be made out of it is generally because of its illegality. I make that comment by way of a general statement without prejudice, indeed, to the contribution I may make on the Prostitution Bill which is before the Parliament and on which I have not yet spoken. I may address that when the time comes.

The honourable member may be able to be more specific about the group to which he has referred in his question but, by the sound of it, it is a matter that has already been referred to the National Crime Authority. Should that not be the case, I will advise the honourable member.

ENVIRONMENTAL IMPACT STATEMENTS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Health representing the Minister for Environment and Planning a question on environmental impact statements at Jubilee Point.

Leave granted.

The Hon. M.J. ELLIOTT: I have had a number of concerns raised with me recently about the functioning of the EIS (environmental impact statement) process in South Australia, and suggestions that it is simply not working. Since they first began they have been the responsibility of the proponents. I accept that while they stand to gain they should also bear the cost. There are, however, dangers to their being the collectors of information and also being responsible for the wording and layout of the reports. It is understandable that an EIS prepared by the proponent would seek to put the proposed project in its best light.

I have had previous experience with environmental impact statements. In my university days, friends used to work on them. They would sign up for a few days work, sign a pledge not to release information publicly about what they found out, and spend three or four days doing meteorological studies or the like for some projects—certainly not in-depth studies. The studies simply are frequently inadequate, but can be dressed up. With this weakness, it is absolutely vital that the Government review process works properly and that public involvement is adequate.

I now turn to the question of Jubilee Point. Jubilee Point Pty Ltd and Kinhill Stearns share a number of directors in common. Kinhill Stearns, which is preparing the EIS, will do much of the project work should the thing proceed. There is a danger of conflict although no different from any other project. I am making no accusation, but I say that the chances of dressing up occur. The original EIS did not adequately address all matters set out in the guidelines. I have two concerns from that: first, it was my understanding that the Government would not approve a draft EIS until all problems had been addressed. In fact, the document should not have been released until they had been.

The other problem is that the public cannot address a deficient document. That document, which had failed to address aspects of the guidelines, had deficiencies, and all that the public could say as their part of the involvement was that the document was deficient and the information was not there. As further proof that the original EIS was deficient, in the supplement there is page after page of Government department and Coast Protection Board comments to the draft EIS. So, the Government itself was well aware that the EIS was deficient. A number of scientists and other members of the public came to me about their concerns as to the deficiencies of the draft EIS. The supplement has now come out and has also, clearly, failed to address important environmental concerns. In fact, some of the things missing the first time are still missing.

The Minister himself, in the *Advertiser* last week, admitted that he had 19 questions needing answers. If that were the case, I wondered why on earth he released the report so soon. Again, people are coming to me about their questions not being answered. This in itself is enough to cause concern to me that a decision could be made on what could at least be described as inadequate information.

Two other matters must be taken into account. It has been brought to my attention that the Premier's Department has a working party on this project. Understandably, it is keen to get it off the ground. It would be another little feather in the cap of this Government, with its project mania. The SGIC will be a significant investor. I did not accuse the SGIC of having a vested interest: I accused the Government itself of having a vested interest. The Government is supposed to be the independent umpire in this matter. There is a danger that the Government will not be impartial and deficiencies may be overlooked—not in a deliberate sense but, rather, by negligence due to enthusiasm. Nevertheless, the dangers that something will go wrong with Jubilee Point are very real. I cannot stress too often, to people who do not understand what is happening there, how real the dangers are. My questions are as follows:

1. Does a draft EIS and supplement to the EIS need Government approval before release?

2. If so, why was the EIS released when the Government knew that it was a deficient document?

3. Why was the supplement to the EIS also released when the Government had realised some matters needed attention?

4. What will the Government do to ensure that its own vested interests through SGIC and the political glory of the project will not override important environmental considerations?

5. What will the Government do to ensure that public submissions are handled so that the very real concerns they raise have been adequately addressed?

6. When will the review committee into the EIS process be reporting?

7. What is the expected life of the Jubilee Point project and, in particular, the projected time before the breakwater itself needs replacing?

The Hon. J.R. CORNWALL: I shall be pleased to take that very lengthy series of questions to my colleague in another place and bring back a reply as soon as we have been able to process all of them.

INSURANCE BUSINESS LICENCE FEES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General representing the Treasurer a question about licence fees on life insurance business.

Leave granted.

The Hon. J.C. BURDETT: The last issue of the publication *Lifa*, which is published by an association of the same name, reports in regard to South Australia that the South Australian branch was pleased to receive from the Premier a favourable response to its submission seeking the abolition of the licence fee on insurers in so far as it relates to annuities, and further commented that this would bring South Australia into line with other State Governments. Further on, the article says:

> However, on a related taxation issue the branch is concerned that the Government continues to impose a heavy licence fee on life insurance business. This involves a high cost to the private sector life insurance companies and, consequently, to consumers.

Lifa urges the Government to review the operations of its licence fee system, which has no counterpart in any other State.

Not only is it alarming that there is no counterpart in any other State but also, of course, the private sector life insurance industry in South Australia is competing with the SGIC's life insurance activities. Obviously, this would create difficulties for the private sector. Does the Treasurer intend to comply with the request of *Lifa* and review the operations of its licence fee system?

The Hon. C.J. SUMNER: I will get an answer for the honourable member.

WOMEN'S SHELTERS

The Hon. DIANA LAIDLAW: I seek leave to make a brief statement prior to asking the Minister of Community Welfare a question about women's shelters.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday, the Minister visited Canberra to speak with the Minister for Community Services in an effort to seek more money for emergency accommodation for adolescents and families. I register the disappointment of groups that have spoken to me since reading an announcement in the paper yesterday that the Minister's journey to Canberra was confined to those interests and did not include the needs of women's shelters. I acknowledge the acute need for youth and family shelters, but believe that the needs of shelters to cater for the needs of women and children should not be compromised in the process. From recent statements in the media it has become clear that the Minister is on a campaign to repeatedly deny that women's shelters have been harshly treated under his stewardship in respect of allocation of new funding (and I emphasise new funding) this financial year.

Repeatedly, he dismisses funding statements made by the women's shelters as distorting the facts, although I have confirmation that figures used by the women's shelters have been confirmed by the Minister's departmental officers. Why is the Minister determined to pursue a campaign to dismiss and denigrate the current needs of shelters catering for women and children? I suggest that a more fitting approach for a person recently nominated as Father of the Year would be to campaign for emergency funding for shelters not only for adolescents and families, and that such a campaign should not be at the expense of the legitimate needs of shelters for women and children.

The Hon. J.R. CORNWALL: I am so delighted that the Hon. Miss Laidlaw has raised this matter. I will try yet again to get the facts and the truth through her head, although I know very well that the truth has been a very great casualty in this ongoing debate. The simple fact of the matter is that it is not a question of how much money but a question of how those additional funds will be spent. The additional funds which are put in dollar for dollar by the Commonwealth and the State this year will be $713 000 in total. That is additional funding: that is new money regardless of how that might be eventually allocated between youth programs, general shelter programs, or the women's shelters.

Let me make a number of important points. First, I discussed a number of things with my colleague Don Grimes yesterday. One of them was the question of the Sheltered Accommodation Assistance Program and how the new funds are allocated. Currently, there are a number of subcommittees. On one there are representatives of the youth shelters; on another representatives of the general shelters; and on a third representatives of the women's shelters. I will return to those in a minute.

Representatives from each of those subcommittees are on the Programs Advisory Committee on which there are also nominees from the Federal Department for Community Services, the Department of Housing and Construction, the Housing Trust, Community Welfare, and so on. They are the Public Service representatives, but each of the concerned community groups—youth, women and general—are also represented on that Programs Advisory Committee.

That, of course, is unworkable. What happens in practice is that each of those players sits around the table discussing in quite specific terms what advice they ought to give me as to how the available additional funding ought to be allocated. They then reach some sort of majority agreement. The disaffected members of that Programs Advisory Committee, specifically set up to advise me, if they do not get precisely what they want, can and do (and they have done it this year) involve themselves in a disgraceful campaign of denigration and personal abuse against the State Minister. They are the members of the committee—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —who tender the advice. Individual members of that committee then go out and involve themselves in a disgraceful campaign of distortion and untruths. They deliberately distort the truth and involve themselves in a campaign of personal abuse against the State Minister. That, of course, is before the State Minister has had any opportunity to confer with the Federal Minister, so it puts any State Minister in a totally untenable situation. That will not be allowed to persist.

The Hon. C.M. Hill: You were their best friend a few weeks ago, weren't you?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: You have got to be joking.

The Hon. C.M. Hill: No, you said you—

The PRESIDENT: Order!

The Hon. C.M. Hill: You said it in this Council.

The PRESIDENT: Order! The Hon. Mr Hill will come to order. When I call 'Order' interjections must cease immediately.

The Hon. J.R. CORNWALL: My colleague Don Grimes and I agreed in discussion yesterday that that situation was unworkable and untenable and will not be allowed to persist. First, the committee structure for the women's shelters will be altered. Apropos of this historic meeting that they held last week, let me tell honourable members that they have been holding historic meetings where they all come together on a regular basis for years. Furthermore, each representative who has attended those meetings has been paid at my expense. So much for the historic meeting!

Members interjecting:

The Hon. J.R. CORNWALL: At the taxpayers' expense, quite right. They have each and every one of them been paid. I might also say that at least one women's shelter has received a quite adverse auditor's report. We will no longer tolerate a situation where an administrator of a shelter forms a small management committee and then, of course, they decide at what rate they should pay themselves: they decide that they can break the rules and pay cash on termination instead of time in lieu.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I am about to review the administration of the women's shelters generally—that is the action that I am taking. We are going to have a bit of accountability. That is why I insisted, again with the Federal Minister's support, that they should sign agreements. We are going to have accountability. The other thing is, of course, that we are not going to any longer have a situation

where they are taxpayer funded to all come together. They will have nominees to that subcommittee just as the youth subcommittee has and the general shelters have.

The general shelters, let me say, are for families and children. There is a general shelter at the park for families and children in real distress which operates on an annual budget of $38 000 a year in one of the most depressed areas of metropolitan Adelaide. As against that, the women's shelters are operating on average budgets of between $160 000 and $200 000. Does Miss Laidlaw, champion of the needy, seriously suggest that there should not be a priority given to those sorts of family shelters in 1986? Let her stand up and not be some sort of political opportunist in the matter. She is lining up with this small number of bully girls to stand over the program and say that we cannot give money to teenage girls who have been sexually abused; she is lining up with those people to attempt to stand over me to say that we cannot make youth a priority.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: No fear, I did not. I was in Canberra yesterday and saw some of those bully girls on the lawn outside Parliament House and I do not want to line up with them, I tell the honourable member.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: The hell I did! They represent a very small minority indeed.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: No, she does not. She has handled herself brilliantly since she has come into this place. She is front bench material if ever I saw it.

Members interjecting:

The Hon. J.R. CORNWALL: But I will not be stood over. I will not be put in an impossible position where these confidential recommendations are canvassed by the women's shelters in public. That is intolerable. We will alter the committee structure by agreement, so that they can certainly give general advice, but as to the specifics, that has got to be a matter on which I am advised and on which Don Grimes is advised in future, or whoever his successor might be, by an interdepartmental committee, so that there is some sense and logic in the business and so that I am not set up on a barbed wire fence to be kicked from either side by whoever likes to come along. I will not tolerate that, and I make no apology for that.

So, let us come back to the business of denigration and personal abuse—based on no more and no less than the advice that was proferred to me by the Programs Advisory Committee—before I had any opportunity to consult with my colleague in this joint Commonwealth-State funding arrangement. That will cease. We have seen that for the last time. Apropos the allegations of funding cuts, the Hon. Ms Laidlaw knows, as do the women's shelters, that that is a lie—it is a deliberate untruth. The funding for the women's shelters has doubled under the SAAP program.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Under the SAAP program, the funding for women's shelters has doubled over the past three years. That is fact, and I deal in fact, not distortions or untruths. The fact is that their funding has doubled under the SAAP program, which was introduced as a joint initiative by the current Federal Government and this State Government. There is no question of cuts at all. That is a deliberate falsehood, and I cannot say that too strongly, and I must say that I feel hurt by it.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Lucas may laugh—he who would be King.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: There is a rumour—I cannot vouch for it—that the Hon. Mr Lucas is moving to Kangaroo Island! I am not one to start speculation, Ms President, and I never fuel it, and I would not want to act other than most responsibly.

The Hon. C.J. Sumner: The Hon. Mr Cameron was being floated at one stage.

The Hon. J.R. CORNWALL: By himself—he did not get a lot of support. Let me say, Ms President, that the structure will be changed. We will have responsibility, and I have supported this particular matter this year, and I am still negotiating with Don Grimes on the matter. No finality has been reached. The only announcements have been made by some of the representatives from some of the women's shelters. Only from some of them; incidentally they did not all attend the historic meeting held last week. Some of them have acted sensibly and responsibly. Only a very small number of people got together, at taxpayers' expense, for the so-called historic meeting. I believe that that priority ought to be given this year, because, on average, our youth shelters have 1.5 positions less than do youth shelters in the eastern States, as I have said on a number of occasions. Our general shelters have substantially less funding for each of the shelters, and they are not for men, as has been suggested. Certainly, some of them are for males, but many of them are for families and children. As I have said, there is one particular one at the Parks which has an annual budget of $38 000, which is something less than a quarter of the average for women's shelters. So, I make no apology for wanting to support families, for wanting to support children and particularly for wanting to support young women who have been sexually abused. They are the priorities recommended to me by the majority of the membership of our program advisory committee. They are the recommendations that I have accepted by and large, and they are still subject to negotiations with Don Grimes which I am confident we will be able to conclude next week.

The Hon. C.M. HILL: By way of a supplementary question, I ask the Minister whether he still agrees with the statements that he made in this Council on 18 September in relation to the problems of and the differences between the shelters and himself. I am also mindful of the criticism in the press in recent days of him by the shelters on this subject. The Minister said (and I quote from *Hansard*):

> Yes, I am pleased to say that the differences have been resolved and that a draft agreement has been prepared, which appears to have the support of all the people who have been involved in the negotiations. The negotiations have been handled very amicably... Basically it has been settled, as I said, amicably, and as soon as I became involved in the negotiations they were really solved within a matter of 30 minutes. That only goes to prove, as I said to the honourable member a few weeks ago, that I have superb skills as a negotiator.

The Hon. J.R. CORNWALL: I must say that I feel humble to have the truth repeated like this in this place. I would prefer that the Hon. Mr Hill did not do that. That was a matter of accountability; it was a question of signing agreements at the insistence of the Federal Minister and his Federal bureaucrats, with which I agreed. Those agreements were about accountability for funds allocated. I have already said that very recently it has been brought to my attention that at least one shelter has received an adverse auditor's report. A review will be undertaken of the accountability mechanisms of those shelters. It is public money. I have consistently said that, whether it is the Royal Adelaide Hospital or a small agency in the voluntary sector, when they are dealing with taxpayers' funds they will account for them. We will have no more of the phantom nurses on the

books, as there were at the Lyell McEwin Hospital, as used to happen in the Tonkin interregnum. When we pay nurses, they are real nurses, and we will insist on accountability. To that extent the majority of shelters did sign those agreements. Their funding was never in doubt. Some of the less responsible ones—that same small group to which I referred in colourful terms a little while ago—

The Hon. R.I. Lucas: The bully girls!

The Hon. J.R. CORNWALL: That's right. They were attempting to say that they could do as they wish. I was saying 'No'. Many of them did sign. When this question of allocation of funds came up, they said that they were sorry they had signed, that they did not really mean to sign and that they wanted to start all over again. That is impossible. It is an impossible situation and I will not tolerate it. I do not think that anyone currently would have the skills to deal with these people. Certainly not the responsible women whom I have seen trying to deal with these people over the years—including active members of my own great Party. They seem to think that they can be a law unto themselves. They are welcome to be a law unto themselves, but they will not do it with taxpayers' money.

LEGISLATIVE COUNCIL LOBBY

Adjourned debate on motion of the Hon. K.T. Griffin:

That this Council—

1. Affirms the practice, procedure and tradition of the Council that while the Council is sitting, the lobby is out of bounds to everyone other than members of both Houses, officers of the Chambers, Parliamentary Counsel, messengers and public servants moving to the Council to assist a Minister in consideration of any Bill;
2. Requests the President to ensure that the robing room in the lobby is not occupied by a person other than those referred to in paragraph 1.

(Continued from 24 September. Page 1119.)

The Hon. C.J. SUMNER (Attorney-General): This motion seeks to deal with the practice relating to the lobby at the rear of the Legislative Council. This matter arose as a result of a decision made by you, Madam President, to make available the robing room to your secretary. The Hon. Mr Griffin took objection to that decision and considered that the lobby ought to be sacrosanct in the sense of it being available only to members and certain specified categories of individuals. The motion moved by the honourable member sought to reaffirm that practice by obtaining an expression of view from members of the Legislative Council.

Since the Hon. Mr Griffin moved the motion and spoke to it, I understand that the matter has been discussed by him with you and other members of Parliament. The collective agreed view now is one that I will put by way of amendment and that is: that the lobby ought to be retained for the use of members while Parliament is sitting; that that is a principle which has existed with respect to this Council for some considerable time; that members see the lobby as being a place adjacent to the Council where they can speak confidentially amongst themselves, with people of the same Party and with people of different Parties; and that privacy for members should not be invaded unless specific exceptions are made for certain individuals to have access to the lobby. That access for those people such as officers of the Chambers, Parliamentary Counsel, messengers and public servants moving to the Council to assist a Minister in consideration of a Bill and any other specified persons granted an exemption should be on the basis that they may move from the Chamber to a public area.

Apart from that, I think that the general view of the Legislative Council members is that the lobby ought to be for members of Parliament and that their privacy in that area should be respected. I think that that is the collective view of the members of the Legislative Council and, to give effect to that and to the discussions that you, Madam President, have had with members in the Council, I move:

Paragraph 1—After 'Bill' at end of paragraph 1, insert the following:

'and individuals granted an exemption by the President in special circumstances'.

Paragraph 2—Leave out all words after 'occupied' and insert the following:

'While the Council is sitting.'

These amendments will have the effect of enabling the individual specified in the motion, plus certain individuals granted an exemption by you, to have access to the lobby in order to move from the Chamber to the public areas or, in some circumstances, from the Legislative Council side of the Chamber to the bar, the refreshments room and House of Assembly side, but that exemption encompasses only those people specified in the motion.

The amendments will also permit your secretary to use the robing room as her office on all occasions when the Council is not sitting, so when the Council is in session, the robing room should not be occupied by anyone, it being considered that the privacy of members would be adversely affected by having someone in such close proximity to the lobby. I understand that the amendments are agreed to by members of the Council and I commend them to honourable members.

The Hon. K.T. GRIFFIN: Exercising my right of reply which closes the debate, I take it that, because no other members wish to speak, there is general acceptance of the principle embodied in the motion and the amendments proposed by the Attorney-General. I am prepared to indicate an acceptance of the amendments moved by the Attorney-General, because they tend to clarify certain matters which were raised when this matter first came to the notice of the Council but which were not adequately reflected in the resolution which I moved some time ago. The Attorney-General has accurately related the circumstances in which persons, other than members of Parliament, will be able to use the lobby and the amendment which will allow the President, in special circumstances, to grant an exemption to a particular individual.

When you, Madam President, first responded to my question on the issue quite some time ago, you indicated that certain members of the catering staff had a genuine need to pass through the lobby rather than using other parts of the building. While I acknowledge that it is not appropriate to deal with that sort of detail in a resolution of the Council, the spirit of it is recognised by the amendments which have been moved by the Attorney-General and which I am now prepared to support. I recognise also the difficulty which may occur if the robing room could not be used by any person other than the President at any time and that there needs to be some limitation on that embargo. The limitation should be restricted to the times when the Council is sitting and I think that that is appropriate. I certainly have no desire to limit the occupancy of that room at times other than when the Council is sitting, provided that the President has granted permission for that to occur. I understand that when the Council is sitting the person who may occupy that room on other occasions will not use the lobby for the purpose of passing to and from that room or for other purposes and I accept and respect that position.

On the basis of those understandings which embellish to some extent the amendments proposed by the Attorney-General, I am pleased that there appears to be agreement by all members of the Council on both my principal motions and the amendments proposed by the Attorney-General.

Amendments carried; motion as amended carried.

PROSTITUTION BILL

Adjourned debate on second reading.
(Continued from 24 September. Page 1124.)

The Hon. K.T. GRIFFIN: It is clear that the Government, through the Attorney-General, has done a lot of work on researching the law relating to prostitution. The background paper tabled by the Attorney-General the day after the Hon. Ms Pickles introduced her Bill clearly demonstrates this.

The Hon. Diana Laidlaw interjecting:

The Hon. K.T. GRIFFIN: It is equally clear that the Government supported some action on prostitution law, but wanted to distance itself from the commencement of the review process by having a private member introduce a Bill for legalisation. A similar scenario was developed by the Government in relation to its casino legislation, which was introduced by the Hon. Mr Blevins as a private member's Bill.

The Hon. Diana Laidlaw interjecting:

The Hon. K.T. GRIFFIN: The honourable member interjects, 'And the Natural Death Bill'. It will be interesting to observe whether any member on the Government side opposes the Bill. I hope that they will, but at the present time there has been no evidence of that occurring.

This Bill does not address any of the causes of prostitution. The Attorney-General's background paper, referring to the report of the South Australian House of Assembly Select Committee in 1980, identifies the four general groups into which women entering prostitution fall, as follows:

1. Women who are severely disadvantaged socially and economically;
2. Women who are poor and/or in debt or supporting children or who are unemployed;
3. Women who are subjected to coercion by partners or acquaintances through threats or by use of drugs, and
4. Women who seek money for a specific purpose, for example, to suport themselves while studying, to pay for a large debt or to acquire an expensive item.

When the Hon. Ms Pickles and I met on an ABC current affairs program several months ago, I made this point: that the Bill does not address any of those causes. The Hon. Ms Pickles responded by saying that that was coming later. I suggest that with the State Government and the Federal Labor Government that will never come.

When this question was raised at a recent forum, an advocate for prostitutes made the point that, when women have real equality of opportunity and equal access to resources and play an equal part with men in our society, the necessity to turn to prostitution and the incidence of prostitution will be, if not abolished, at least significantly reduced. I agree with that, but I see no sign that the State Government or the Federal Labor Government in its economic or community welfare policies is addressing any of the causes of prostitution. With the reductions in social security funding and the massive economic problems that Australia and Australians face as a result of Federal Government policies, the causes are not likely to be corrected in the forseeable future.

It is interesting to note that in a 1959 study on traffic in persons and prostitution by the Department of Economic and Social Affairs of the United Nations (a report on the principles embodied in the 1949 UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others) similar causes of prostitution were identified, as are presently identified as the causes. It says:

> Since prostitution reflects existing social conditions, its prevention depends to a certain extent on the way in which general social policies are implemented. In order to increase the prevention, although indirect, effect of these policies, the following measures are suggested:
> *(a)* improvement of social and economic living conditions, particularly of the low-income groups;
> *(b)* improvement of housing conditions, and the establishment of priorities, especially for families with several children;
> *(c)* effective application of the principle of equal pay for men and women performing work of equal value;
> *(d)* extension of educational training and apprenticeship facilities and courses for juvenile and young women workers;
> *(e)* provision of sex, health and mental hygiene education in schools and colleges;
> *(f)* improvement of the status of women especially as regards their political status, status in the family and in legal relationships, as well as in social security and other welfare benefits, including pensions, without distinction as to whether a women is married or not;

These issues are still relevant some 25 years later. They need to be addressed in any campaign against prostitution. Prostitution *per se* is not illegal in South Australia, but certain offences relating to prostitution are illegal—offences such as soliciting for the purposes of prostitution are illegal, and living off the earnings of prostitution, and keeping or managing a brothel are offences.

I have not made any secret of the fact that I am opposed to the legalisation of prostitution. That is a sort of verbal shorthand for describing the legal approval of prostitution and the legal controlling and ordering of it. I recognise that it presently exists but the fact of its existence is no reason for saying that, because it exists and stamping it out will be difficult, therefore it should be tolerated and in fact made legal under our law with the seal of approval by the State delivered through an Act of this Parliament. Legalising prostitution gives a lead to the community, indicating that the authorities condone prostitution and set a standard for it.

As with the Government's move towards legalising marijuana, I hold the view that laws which reflect a lenient attitude towards acts such as prostitution and using marijuana create a public perception of acceptability and this perception, over time, will influence the community to more favourably view activities such as prostitution and using marijuana. Regarding the marijuana debate, I have referred several times to the comments made by Mr Justice Williams of the Australian Royal Commission of Inquiry into Drugs, when he presented his report in 1980. He made a perceptive observation about the laws relating to marijuana but equally applying to other laws reflecting social attitudes. He said:

> There are a lot of persons within the community who generally obey laws without having to reach conclusions that the law is good rather than bad. There are a lot of persons who obey laws even though they do not accept that the law is a good law. These people would correctly interpret a relaxation of the prohibition against cannabis as an approval of its use, except under special circumstances. On the other hand, among people in the community who are not disposed to obey a law unless positively satisfied that it is a good law, there will remain a number who are never to be satisfied until all restrictions and prohibitions on the use of drugs are removed.

In talking about prostitution, I do recognise that there are male prostitutes, although, on the information available, not in the same numbers as female prostitutes; and I acknowledge that probably the economic reasons compelling women to resort to prostitution apply also to many men.

Whether the prostitute is female or male, I hold the same view that the law should not recognise it as a valid and approved occupation or practice. I recognise, too, that at the moment the law places an unequal burden on the prostitute and that the client escapes scot-free.

While arguments are presented by promoters of legalisation drawing upon Biblical events (in fact taken quite out of context and misquoted) and the Convention on the Elimination of Discrimination against Women to which Australia is a signatory, there is no legal or moral justification for condoning prostitution.

It is degrading to human relationships and is exploitative of both men and women. While some argue that it is a so-called victimless crime, the community and Governments have to accept the responsibility for the consequences of prostitution, and it does impinge on many people—young and not so young—in our society.

The background paper provided by the Attorney-General lists four options for dealing with prostitution: first, maintaining the *status quo*; secondly, strengthening the present law; thirdly, legalisation and regulation and, fourthly, decriminalisation with appropriate safeguards. The *status quo* is acknowledged to be unsatisfactory. Strengthening the present law, as I have said on previous occasions, is my preferred option. Legalisation and regulation put the State in the position of recognising and licensing brothels, and decriminalisation—although it is more appropriate in my view to refer to that course as legalisation, because it is therefore made lawful—does nothing to assist the current problems.

In the background paper by the Attorney-General two countries, Canada and England, take two quite opposite courses with respect to dealing with prostitution. The UK model is the course which appears to me to be more appropriate. There the Sexual Offences Act 1985 makes it an offence:

1. For a woman to loiter or solicit in a street or public place for the purpose of prostitution.
2. For a man persistently to solicit in a public place another man or men for sexual purposes.
3. For a man to solicit a woman from a motor vehicle while it is in a street or public place, or in the vicinity of a motor vehicle from which he has just alighted.
4. For a man persistently to solicit a woman for the purpose of prostitution in a street or public place.
5. For a man to solicit a woman for sexual purposes in a manner likely to cause fear.

The Attorney-General's background paper goes on to indicate that the English Criminal Law Revision Committee's 1985 report with respect to off-street prostitution recommends the creation of new offences which seem to me to be moving in the right direction. The committee recommended that it should be an offence for a person for gain to *(a)* organise prostitution, *(b)* control or direct the activities of a prostitute, and *(c)* to assist a person to meet a prostitute for the purposes of prostitution.

Three new offences relating to premises used for the purposes of prostitution were also proposed, namely, managing or assisting in the management of premises, letting those premises, and being the tenant or occupier or person in charge of the premises, knowingly permitting their use for the purposes of prostitution.

Before I turn to the Bill I want to make several observations about the relationship between drugs and prostitution. A discussion paper by the Human Rights Commission on prostitution in Western Australia states:

> There is considerable debate about whether addiction to drugs leads to prostitution or *vice versa*. Prostitutes addicted to hard drugs are regarded as a liability and have difficulty finding employment in brothels and escort agencies.
>
> Often they must resort to working from the street. A larger problem, in fact, seems to lie with heavy marijuana, alcohol and tobacco use and the abuse of tranquillisers and sedatives.
>
> A number of prostitutes interviewed stated that 'they never saw a client straight' but used marijuana, alcohol, sedatives or tranquillisers to enable them to cope with the situation.

The Attorney-General's background paper says:

> The police are aware that a percentage of prostitutes are on drugs and use prostitution as a means of obtaining money to keep the habit. They are also of the view that some brothels provide a distribution outlet for drugs, although persons involved in prostitution have indicated that narcotic drugs are generally discouraged and are regarded as a liability by most operators of brothels.

In the 1980 Williams Royal Commission Report into Drugs in Australia, there is also a reference to prostitution and drugs. In that report, the Royal Commission states:

> The commission received a considerable body of evidence which suggested that a large proportion of young girls working as prostitutes or in massage parlours were dependent on drugs.

It then deals with a report from the Queensland Police Drug Squad, and states:

> The South Australian police believe that about 60 per cent of girls in massage parlours in that State are heroin addicts. Massage parlours themselves may be outlets for drugs.

It then talks about Western Australia, New South Wales and the Australian Capital Territory, indicating that police witnesses from those States and that Territory were of the opinion that massage parlours were not drug distribution centres in their areas, although a Victorian police officer said in confidential evidence:

> Prostitutes are organised to the extent that they are trafficking in heroin mainly directed around St Kilda.
>
> One group was using street prostitutes and the others massage parlours. I have niggling in the back of my mind that two groups are related back further than what we have got. They are organised in the sense that they can acquire half pounds and deliver it at cap level on the street.

The report continues:

> A young drug user who was involved in prostitution and massage parlour work said, 'Most girls working in massage parlours are on drugs, largely Mandrax. I found it easier to work while on heroin, because it was easier to stomach the clients. Most girls find that they cannot work without being stoned, and a lot have got habits.'

The only reason for referring to this is that quite obviously there is debate about the availability of drugs among prostitutes and, of course, the question of whether prostitutes rely on drugs to enable them to cope or embark upon prostitution to support their habit or, in fact, are the means by which at least some drugs are distributed to clients. Notwithstanding the debate about that issue, I do not think, from the evidence to which I have referred, that there is any doubt that in some respects there is a relationship between drugs and prostitution.

I want now to address some of the problems with the Bill itself, because they have to be addressed should the Bill pass the second reading. Clause 4 of the Bill relates to child prostitution. It provides that a person who causes or induces a child to commit an act of prostitution or to have sexual relations with a prostitute is guilty of an indictable offence. Although a child is defined as a person under the age of 18 years, it must be noted that this clause provides that, where the victim is in fact of or above the age of 16 years, the alleged offender may prove that he believed on reasonable grounds that the victim was a person of or above the age of 18 years. Therefore, for all practical purposes, 16 years is the relevant age for the purposes of this clause. I am gravely concerned at that.

A major difficulty with the whole area of child prostitution—which according to the Attorney-General's background paper is causing concern to police—is that the powers of the police to enter places where prostitution occurs has been severely reduced and there is nothing to prevent a

child being on premises used for the purposes of prostitution.

In section 32, the Summary Offences Act presently allows the Commissioner or any Superintendent or Inspector of Police or any member of the Police Force authorised in writing by the Commissioner, or a Superintendent or Inspector of Police at any time to enter and search premises suspected on reasonable grounds to be a brothel. Now, under the Bill, a general search warrant would have to be obtained by a police officer wishing to enter premises and not all police officers carry such a warrant at all times. Delays in gaining entry may well occur, allowing time for a child to be slipped away or be removed from a compromising situation.

Subclause (3) of clause 4 makes it an offence for a person to permit a child 'to enter or remain in a brothel for the purpose of committing an act of prostitution or having sexual relations with a prostitute'. This means that police will have to prove the purpose for which a child enters or remains in a brothel and, while that may be established by circumstantial evidence, it is certainly not easy to do and with limited powers of access, police will have an almost impossible task of establishing the required level of proof on which to gain a conviction. If the Bill is to pass, no child ought to be allowed to be present on any premises used for the purpose of prostitution. An absolute prohibition will ensure adequacy of proof against an offender and ensure that children are not at risk or in other ways compromised by their presence in premises used for the purpose of prostitution.

It has been said that prostitutes do not want children involved in prostitution. I have no doubt that some persons engaged in prostitution genuinely would hold strongly that view. However, there is no doubt at all that children are used for the purposes of prostitution both here and in other States. The Attorney-General's background paper says:

> Police indications are that children are becoming more in demand at brothels and escort agencies and that establishments are able to provide both male and female child prostitutes. The youngest child prostitute known to police is 15 years old.

The Human Rights Discussion Paper on Prostitution in Western Australia to which I referred earlier indicates that the matter has received considerable attention in Perth, because in early 1985 four boys aged from 12 to 16 years were arrested for loitering for the purposes of prostitution. Indications in that State are that about eight specific cases of child prostitution are dealt with by social workers annually. But, even if there is a small number of children involved in prostitution, that is too many. This Bill needs to be toughened up considerably to address effectively the major potential for child prostitution, if, in fact, the Bill passes.

Clause 7 deals with advertising and allows a brothel to have an illuminated sign, or other sign, on or in the wall of the building in which the prostitution occurs. The size of the advertisement is not to exceed 2 500 sq. cms, which is approximately one metre by 25 cms in dimensions. It makes no reference to there being only one sign, and it is clear that there may be a series of signs on a wall. I draw attention to the Electoral Act, which says that signs not less than one metre apart are to be regarded as one sign. There is no similar provision in this Bill.

Notwithstanding the limit on size, it is my view that even that size sign will be regarded as offensive by many people, particularly when allowed in certain residential areas, although those areas may not be strictly zoned as residential. I will refer to that in more detail when I discuss clause 8 of the Bill.

Clause 8 causes considerable concern to local government and to the wider community if the Bill passes. All local government bodies with whom I have had contact across the State indicate their opposition to the Bill to legalise prostitution. If it is to be legalised they express grave concerns about the planning aspects of the Bill and those aspects that are not covered in any way by planning legislation. If a brothel is to be established (other than a 'small brothel') it needs planning authorisation under the Bill from the relevant local government body. However, a planning authorisation is not to be granted to allow the establishment of the brothel in a 'restricted zone'.

'Restricted zone' is defined as a residential zone or an area surrounding and extending to a distance of 100 metres from the site of a church, school or kindergarten. It is important to note that there are many zones (for example, light industrial and light commercial zones) where there are many residences. A look at the real estate pages in the daily newspapers will clearly demonstrate that there are a large number of homes being offered for sale on a regular basis which are in areas zoned light industrial or light commercial, or other zoned areas other than residential zones. So, to define a restricted zone as being a residential zone technically speaking, under planning legislation, certainly will still allow a brothel particularly a small brothel, to be established in areas which are primarily residential but not strictly zoned as such.

To restrict a restricted zone to only 100 metres from the site of a church, school or kindergarten, is a ludicrously limited definition. A church, school or kindergarten is not the only place which may be established in a non-residential zone where it would be quite offensive for a brothel to be established next door: for example, Scout halls, Girl Guide halls, Blue Light discos, YWCA, YMCA and community welfare offices are among the many places where it would be so offensive. Of course, even the 100 metre perimeter would mean that in the vicinity of schools, for example, children would still have to pass brothels allowed within that proximity with their parent and be potentially affected or offended by that presence.

Of course, the other major problem with clause 8 is that it allows small brothels to be established without planning approval in areas which are not restricted zones. The small brothel is a place where no more than two prostitutes are engaged at any one time in providing prostitution services in a place where not more than two rooms are used for the purposes of providing prostitution services. This means that small brothels can be established in shopping centres in Jetty Road, Glenelg; Commercial Road, Port Adelaide; Norwood Parade; Westfield Marion; and Tea Tree Plaza, without any constraint, provided the wide provisions of the clause relating to use and occupation are followed.

The clause would enable an entrepreneur to establish a row of premises as small brothels, none of which are occupied by more than two prostitutes at any one time and not more than two rooms being used for the purposes of providing prostitution services, thus circumventing any planning law which might be required if the Bill passes. I can imagine the real concern of members of the community who expect to take their families for a quiet Saturday or Sunday walk or for a walk early evening in a residential area or shopping area and who are confronted with a one metre by 25 cm sign advertising prostitution at a small brothel.

The scope of the clause in relation to small brothels would undoubtedly cause considerable public concern and offence, particularly because of the inability for anybody to adequately remove those premises from highly visible and public places. These are but a few of the concerns which I and many members of the community have about the Bill as a

matter of very basic principle and, if the Bill passes the second reading, what is blatantly wrong with its detailed provisions. There are other issues which other members have raised or will raise, such as escort agencies and the lack of attention given to this issue in the Bill, health matters and others. I will, in fact, defer to those persons to deal with those aspects of the Bill.

The Hon. C.J. Sumner: How do you think you will deal with it?

The Hon. K.T. GRIFFIN: If it ever gets to the Committee stage we will debate that then. Suffice it to say that I cannot support the second reading of this Bill.

The Hon. PETER DUNN secured the adjournment of the debate.

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 907.)

The Hon. I. GILFILLAN: The Democrats welcome the introduction of this legislation, as we have had this matter as one of the principal tenets of our policy, both State and Federal, for the years of our existence. However, it is noteworthy that, in relation to other Parties that achieve Government, their enthusiasm for freedom of information legislation seems to evaporate quickly following the polls. The Hon. Mr Cameron, on the introduction of this Bill, indicated to the Council how little action the Government had taken following the Attorney's indication that the Government was to introduce legislation to handle this matter. However, to be fair, I consider that the blame must also lie with the Liberals, as they had their opportunity to do it. Maybe this is the only way that the matter can be brought forward and put into the Statute Book. I shall quote from the Democrats' policy statement. To a large extent we feel that this legislation will reflect our aims. The policy states:

> The individual should have the right to know who is keeping records about him or her and the content of those records, not just once but whenever the record is amended. He or she must have the right to challenge the validity and/or relevance of the record and to have it altered if its contents cannot be justified. He or she also has the right to restrict the release of any information if it appears that the information is to be used for other than that for which it was originally intended.

The Democrats' policy also provides:

> No Government or other body shall have the right to keep records, whether social, financial, medical or on any other matter without the full knowledge of the subject person or persons. An explanation why the record should be kept should be furnished. The person concerned shall have the right of inspection and appeal, and all costs involved in supplying the information will be borne by the recording body.

In our policy statement we cover the following issue:

> Citizens will have the right to free and continuous access to revenue and expenditure information of business and Government entities and free and continuous access to meetings and documents of Government entities with exceptions where defence is concerned or where a court rules that the matter is personal and therefore in that context not public. A directory to be published so that individuals know where and to whom application for information is to be made. Each department to make available for public inspection and/or copying comprehensive indices of information held. Individuals to have the right of complaint to the Public Service Review Board or appropriate body regarding information.

I indicate that my remarks will be brief. My colleague the Hon. Mike Elliott will speak extensively to the Bill at a later time. I would like to conclude on this occasion with an example which highlights the humane aspect of this freedom of information issue. A friend of mine, who was a soldier settler on Kangaroo Island, informed me that he had a problem with his own records. He wrote to me in the following terms:

> I believe that an individual should have the right to know who is keeping records about him or her, and the content of those records. He must also have the right to challenge the validity and/or relevance of the record and to have it altered if its contents cannot be justified.

In his case, at a personal level, it was noteworthy that incorrect information was filed with the War Service Land Settlement Office. This person viewed some files on himself and found that they were substantially incorrect. He did not have any legal access to those records, of course, and it was by somewhat underhand means that he managed to get access—but for the purposes of this information I am glad that he did so. Generally, he pointed out to me that appropriate legislation should be in place to enable one to inspect and correct where necessary the records that are kept and he believes (and I think it is a good argument) that there should be punitive provisions applicable where deliberately incorrect or malicious information is recorded or where negligence is proved or where information is recorded that falsely creates a misleading picture for personal, financial or even for vindictive reasons. It appeared to my colleague that the Bill before us does not go far enough in dealing with these circumstances that I have just outlined.

After World War II, the Army records of war service land settlement applicants were made available to the Department of Lands—but not to the applicants. I think that that very simple and rather unfortunate example of the way in which information can be misused and kept from those who surely have a basic and civil libertarian right to have access to it proves how significant and how important this legislation is. Ms President, I indicate that the Democrats welcome the introduction of the legislation. A detailed analysis of the Bill will be given in due course by my colleague the Hon. Mike Elliott.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

URANIUM SALES TO FRANCE

Adjourned debate on motion of Hon. I. Gilfillan:

> That the South Australian Government advise the joint venturers of Roxby Downs, that it opposes any sales of uranium from Roxby Downs to France or its agents, until such time as France signs the Non-Proliferation Treaty and ceases nuclear weapon testing in the South Pacific, and that any such sale would jeopardise the Roxby Downs (Indenture Ratification) Act 1982.

(Continued from 21 October. Page 1272.)

The Hon. M.J. ELLIOTT: I support this motion. The Australian Democrats have very clearly opposed the use of uranium for either so-called peaceful purposes or for use in the production of weapons. In fact, that was a policy that the Labor Party used to have once upon a time. I do not think that there is a need for me to go into the complexities of the debate at this stage, because we have covered a lot of that in previous debates in this place—even during this session. What is of most concern to me is that a large number of people voted in support of the Government, which they thought was going to take a certain stand in relation to nuclear matters. However, bit by bit the Government has wilted. The Labor Party first allowed some mines to operate under very exceptional conditions, but it still very clearly said that there would be no sale of uranium to any country that did not sign the Non-Proliferation Treaty.

The Labor Party said there would be no sale of uranium to France for as long as it tested weapons in the South Pacific.

The Hon. M.B. Cameron: This is the Federal Government.

The Hon. M.J. ELLIOTT: Yes, this is the Federal Government—the same Party which is in fact in Government in this State. Mr Bannon is particularly good at attacking the Federal Government for doing terrible things that he personally disagrees with.

The Hon. K.T. Griffin: He doesn't attack them at all.

The Hon. M.J. ELLIOTT: He says that he attacks them, but when watching his actions one would swear that there were different Parties involved. On many occasions Mr Bannon and other people in his Party say that what Hawke is doing is very wrong and that, had they been in a similar position, they would not have allowed the sorts of things to occur that have taken place.

The Hon. K.T. Griffin: It is deception.

The Hon. M.J. ELLIOTT: Of course it is—nothing more or less than deception. This motion being considered today gives the Government a chance to take positive action. It is not simply a matter of words but a matter of deed. As I have said, we are implacably opposed to the mining of uranium for any purpose. The Government has gone back somewhat on that, although the Government still has a policy that says that it will not sell uranium to any country that has not signed the nuclear Non-Proliferation Treaty. The Government also said that it would not sell uranium to France so long as it continued nuclear weapon testing in the South Pacific. France has continued to undertake such tests in the South Pacific and it has no intention of changing that policy. France seems to have no intention of signing the Non-Proliferation Treaty. So, indeed, the Labor Governments, both State and Federal, have gone against what many voters thought they had stood for, and I am certain that those Governments will pay dearly for that sort of deception at the forthcoming polls.

I think that Labor voters are becoming extremely peeved with the hypocrisy. This Government has turned on so many things. I think that voters will welcome the chance to take a stand; to tell the Federal Government that they disagree; and that it has made a drastic mistake. In so saying, I support the motion.

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition opposes this motion, but it has some sympathy for the views expressed by the Hon. Mr Elliott, because there is no doubt that, over the years, some rather unusual views have been expressed, even in this place, on the question of uranium. I have been around long enough to have listened to exactly what has been said. I sat on a select committee with members of the Labor Party, including the Hon. Dr Cornwall, the Minister of Health.

The Hon. M.J. Elliott: He is very opposed to the mining of uranium.

The Hon. M.B. CAMERON: I must say that he took a very strong stand on that committee and he was very vociferous. In fact, at one stage I recall when we were in Government Dr Cornwall or the Attorney-General told us that Roxby Downs would produce enough uranium per year for 300 nuclear atomic bombs of equal size to the one that was dropped on Hiroshima. All sorts of scare tactics were used at that time.

The Hon. M.J. Elliott: And in theory he was right.

The Hon. M.B. CAMERON: In theory, I think that he was right. Since then, as the Hon. Mr Elliott quite rightly pointed out, at a conference the Federal Labor Party made a decision not to sell uranium unless certain conditions prevail. The wording of that decision is quite interesting. The Liberal Party has never changed its stand on this matter. It has always supported the mining of uranium.

The Hon. M.J. Elliott: At least you are consistent with your views.

The Hon. M.B. CAMERON: I appreciate the honourable member saying that, because we have been consistent on this issue. Some of us travelled around Australia with the select committee and looked at uranium mines. We spent every Friday for two years looking at the problem and in the end we produced a report with about three parts, all of which were different. The result was that the Roxby Downs Bill passed this Council due to a very brave man from the other side.

The Hon. K.T. Griffin: He was sent to Coventry.

The Hon. M.B. CAMERON: He is still in Coventry. He is a man for whom I have a lot of respect because, despite his very strong opposition at the beginning, he listened very closely to the evidence given and he came to the conclusion that Roxby Downs should proceed, a conclusion which obviously was mirrored at a later stage within the Labor Party. We all know what happened to that Bill. We know that when it was in Opposition the Labor Party opposed it tooth and nail and, finally, when it came into office, it supported it without any problem and it has since defended it.

After the Federal Government decided to sell uranium to France, it was interesting to read what the Premier said about that decision, how dreadful it was and how ashamed he was to be a member of a Party that sold uranium to that country. He said that the sale should not go ahead and that he intended to send letters or messages of protest to the Federal Government.

The Hon. M.J. Elliott: He might perhaps take a brave stand here.

The Hon. M.B. CAMERON: I think it is time that members of the South Australian Labor Party demonstrated exactly where they stand on this issue. I do not know if there are some differences of opinion, but members of the Opposition generally support the sale of uranium to France. We have never had a problem with that concept, nor have we had a problem in relation to any country which does what we consider to be the right thing with uranium. While France continues to test nuclear weapons in the Pacific Ocean, there will always be some concern about selling uranium to that country, but I have no doubt that assurances have been sought and given that Australian uranium will not be used for that purpose. I think the time has come for that section of the South Australian Labor Party that indicated very strong opposition to the change of policy by the Prime Minister to indicate whether they are for or against the concept.

The Hon. M.J. Elliott: They opposed it.

The Hon. M.B. CAMERON: That is right; the policy is quite clear. I think it is a very simple matter. It has been thoroughly canvassed in the press and other areas. Views have been expressed from both sides and I trust that this matter will proceed to a speedy conclusion and that we will have a vote as soon as possible so that we can see whether Mr Bannon's Party really meant what it was saying, or whether it is inclined to go along with the change in policy.

The Hon. R.I. LUCAS: When I looked at the motion, I had mixed feelings as to my position. The actions of France in foreign policy make it very difficult for sensible people not to want to take certain actions against France. I refer to France's continued testing in the South Pacific, sending their spies underwater to bomb the *Rainbow Warrior* in

New Zealand and the other sort of actions that France has adopted in foreign policy make it very difficult not to take the opportunity, to use a colloquialism, to stick it right up France by supporting this motion but, being quite honest, I suppose that France will not be very worried about the attitudes and views, to use our good friend John Cornwall's phrase, of provincial politicians from Adelaide, South Australia or their expressions or views on motions moved by the Democrats in the South Australian Parliament.

Even though it would be very nice to adopt a certain stance, I had a close look at the motion. I think inherent in it is a view that the non-proliferation treaty is the be all and end all of all treaties. Again being frank, I do not believe that that is the case. I think that the Hon. Mr Gilfillan and the Hon. Mr Elliott would be well aware that there is much dissatisfaction with the operations of the non-proliferation treaty, both from the half dozen countries that have chosen not to sign the non-proliferation treaty and also from the 125 signatories to the treaty who believe that the actions of the two superpowers have not been consistent with the undertakings that they have given under the treaty.

Recent evidence shows that some of the signatories to the non-proliferation treaty are reconsidering their position because of the attitude that the two superpowers have adopted in relation to their undertakings outlined in the treaty. In my view, it is possible for countries to sign safeguard agreements that are equally stringent and which have sufficient safeguards to ensure that all the undertakings that are given in the non-proliferation treaty are adhered to by the countries that are signatories to whatever agreement there might be.

While there was some initial confusion in the Federal policy documents circulated by my own Party (some parts seemed to suggest that we would only support sale of Australian uranium to countries that had signed the non-proliferation treaty), other sections of policy documents incorporate the wider definition of other safeguard agreements that are equally stringent as those agreements outlined in the non-proliferation treaty. I suspect that, as a consequence, in part of this debate it has been clarified Federally that our policy supports the sale of uranium not only to signatories to the non-proliferation treaty, but also to countries that are prepared to sign safeguard agreements that are generally overseen by officers from the International Atomic Energy Agency and other international agencies to ensure that the signatories to those agreements complete the undertakings that they give under those safeguard agreements.

My Party has always supported—and I support my Party in this respect—the continued production and sale of uranium. The view which my Party has put and which I accept with countries such as France and Belgium that rely on nuclear power for up to 50 per cent of their electricity needs, is that it is very easy for us in Australia to say, 'No go: you can get your electricity from some other source.' The arguments about the safety and health problems of coal and other forms of generation are well known to members in this Chamber.

The other aspect of the Hon. Mr Gilfillan's motion on which I wish to comment is what I interpret as an implied threat to the joint venturers at Roxby Downs that we should tell them that any sale to France would jeopardise the Roxby Downs Indenture Ratification Act, 1982. The Hon. Mr Gilfillan may well clarify my interpretation that that is an implied threat to the joint venturers that, if they were to sell, we, the Parliament, would in some way change the Indenture Ratification Act.

We as a Parliament have made a decision in relation to that indenture, and I could not support the Parliament's unilaterally altering that Roxby Downs Indenture Ratification Act, as would appear to be implied by the Hon. Mr Gilfillan's motion. As I said, whilst the gut feeling may have been to look at every way of supporting this motion, to be consistent with my views and those of the Party that I support I will not support this motion.

The Hon. G.L. BRUCE: I move:

That this debate be further adjourned.

The Council divided on the motion:

Ayes (9)—The Hons G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, G. Weatherill, and Barbara Wiese.

Noes (12)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan (teller), K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 3 for the Noes.

Motion thus negatived.

The Hon. C.J. SUMNER: It seems that honourable members opposite have combined with the Democrats just to perform a stunt. I can assure honourable members that it is not of any particular concern to the Government—

Members interjecting:

The Hon. C.J. SUMNER: I assure honourable members that no one is in the least concerned about debating this motion, at the appropriate time, but, as honourable members may know, the Hon. Ms Pickles introduced a Prostitution Bill in this Parliament. I remind honourable members that that Bill was introduced on 20 August. Members on this side of the Council have acceded to the requests of honourable members opposite to adjourn that Bill from week to week.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: When it comes to something on which they think they can pull a stunt they decide to co-operate with the Democrats and force this matter to a vote. This motion was introduced only a month—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —after the Prostitution Bill was introduced. Everyone knows what the Democrats are on about, and they are entitled—

Members interjecting:

The Hon. C.J. SUMNER: No-one here is in the least bit concerned about the motion. They are not concerned about debating the motion. The motion will be debated and voted on. I can assure honourable members that there is not a problem with it. Why do members not get on with the Prostitution Bill? They keep on adjourning it every week. It was introduced on 20 August by the Hon. Ms Pickles, and now members are forcing to a vote an item of business introduced late in September because they have decided—

The ACTING PRESIDENT (Hon. R.J. Ritson): Order!

The Hon. C.J. SUMNER: —that it is amusing to co-operate with the Democrats.

The ACTING PRESIDENT: Order! The Minister is straying from the motion.

The Hon. C.J. SUMNER: I do not mind, apart from the fact that it is essentially a childish approach to the matter, particularly as members opposite are fully aware that they intend to oppose the motion, but they are happy to co-operate with the Democrats—in effect producing what is a stunt. The normal courtesies are simply not being shown with respect to this motion. No notice was given to me that the Democrats wanted it voted upon today.

Members interjecting:

The Hon. C.J. SUMNER: That is the fact of the matter. The normal courtesies were not shown on this matter. It is usual for members, if they want matters pressed to a vote on a particular day, to indicate to the Council that that is what they want, particularly on a private members Bill. The Hon. Ms Pickles has respected the views of all members in the Chamber with respect to the Prostitution Bill.

The ACTING PRESIDENT: Order! The Minister may continue to discuss the merits of the motion if he wishes.

Members interjecting:

The Hon. C.J. SUMNER: That is right. The Acting President is prostituting the debate. They are the circumstances and, as far as the Government is concerned, at the appropriate time the matter will be dealt with as is the tradition and according to the courtesies with respect to private members' time, and I seek leave to conclude my remarks.

The ACTING PRESIDENT: Having sought advice, I inform members that the time sequel for moving of adjournments also applies to the conclusion of remarks and, therefore, it would be out of order for the Attorney-General to seek leave to conclude.

The Hon. C.J. SUMNER: To what Standing Order are you referring? What is your authority? You are not the President: you have no authority whatsoever. Get out of the Chair!

The Hon. R.I. Lucas: That's a reflection on the Chair, Sumner. That's terrible.

The Hon. C.J. SUMNER: That is all very well. You are taking advantage of the forms of the House with this stunt. That is what you are doing.

The ACTING PRESIDENT (Hon. G.L. Bruce): Order! The House will come to order. The question before the Chair—

The Hon. C.J. SUMNER: There is no question. I have sought leave to conclude my remarks. I think that is within the Standing Orders.

The Hon. R.I. Lucas: It was ruled out of order.

The Hon. C.J. SUMNER: On what basis? What is the Standing Order?

The ACTING PRESIDENT: The question we have before the Chair—

The Hon. C.J. SUMNER: No, it is not a question. I am seeking leave.

The ACTING PRESIDENT: The motion before the Chair—

The Hon. C.J. SUMNER: It is absolutely ridiculous. On every other issue of private members business—

The ACTING PRESIDENT: I draw attention to the fact that at this stage the Minister cannot seek leave to conclude his remarks. What that would do is successfully move an adjournment motion, and that cannot take place, under Standing Order 195, for 15 minutes.

Members interjecting:

The Hon. C.J. SUMNER: That, in my view, is a quite erroneous interpretation of Standing Orders and I suspect—

Members interjecting:

The Hon. C.J. SUMNER: It is time the President came back: get the President.

The ACTING PRESIDENT: My ruling is under Standing Orders 195 and 197. To overcome those orders, as I see it, the Minister is quite competent to talk for another seven minutes, and that will put him in the time slot to seek leave to conclude his remarks.

Members interjecting:

The Hon. C.J. SUMNER: I would be interested in contesting that ruling.

The Hon. R.I. Lucas: Move dissent, then.

The Hon. C.J. SUMNER: We cannot move dissent with the President not here. The President is back: now we will get it right. Madam President, before you make a ruling on the matter, I wish to make a submission.

An honourable member: We've already had a ruling.

The Hon. C.J. SUMNER: Not from the competent authority. It seems to me, Madam President, that the position—

The Hon. R.I. Lucas: The Clerk just walked out on you.

The Hon. C.J. SUMNER: The Clerk does not run the Council.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! Mr Lucas, I am calling you to order!

The Hon. C.J. SUMNER: I am happy to have a ruling from the Chair now that the person who is responsible has returned. Clearly, as members know, under the Constitution Act an Acting President is not competent to give rulings and to have them challenged by the Council. The President has to be in the Chair for that to occur. I did not mean any discourtesy with respect to the Hon. Dr Ritson, but the fact was that neither he nor the Hon. Mr Bruce had the capacity to give a ruling on the matter.

The Hon. R.I. Lucas: You sent him up there.

The Hon. C.J. SUMNER: The President was not present. Indeed, that is an issue which was mentioned this morning in the Standing Orders Committee. The fact is that we do not invest the Acting President with the powers to deal with issues of this kind, so it was necessary for the President to return. As the Hon. Dr Ritson vacated his acting position, the Hon. Mr Bruce was kind and courteous enough to fill the position while the President was being sought.

The question really is with respect to Standing Order 195. I agree that Standing Order 195 refers to a motion—and this is my submission to you on the ruling, Madam President—'That this debate be now adjourned'. Standing Order 195 states:

> A Motion—That this debate be now adjourned—may be moved without notice at any time during a debate by a member who has not already spoken in the debate, if so made as not to interrupt a member speaking, and shall be moved and seconded without discussion, and be immediately determined;

A motion of that kind moved by the Hon. Mr Bruce was put to the Chamber and negatived. In accordance with Standing Order 195, no such motion shall again be entertained in the next 15 minutes, so if I sat down within that 15 minute period and the Hon. Dr Cornwall moved 'That the debate be now adjourned' that would be a motion that was not competent for you as President to entertain. But, it is a different issue if one deals with Standing Order 197, which states:

> It is not competent for a member to move, while speaking to a question, the adjournment of the debate;

In this case that is I, as the speaker on my feet at the present time: I could not move 'That the debate be now adjourned'. However, what I have done is seek leave to conclude my speech within the terms of Standing Order 197. Standing Order 197 concludes:

> —and the debate shall be thereby adjourned.

That is quite within Standing Orders, and quite consistent reading Standing Order 195 with Standing Order 197.

Standing Order 197 refers to the debate being adjourned as a result of my being given leave to conclude my remarks. Standing Order 195 refers to a completely different circumstance, that circumstance being where a motion is moved for the adjournment. A motion cannot be moved for the adjournment within the 15 minutes; but leave to conclude can be sought within that time because it does not involve a motion. That is the submission I put to you, Madam

President, as meaning that I can now seek leave to conclude my remarks, and if the Council provides that leave then the matter is automatically adjourned, because that does not involve a motion. Standing Order 195 refers to a motion.

My suggestion to members is that the best way for this matter to be resolved, as the Opposition and the Democrats have now had their little bit of amusement, would be for the matter to be dealt with and put off until next Wednesday. The Government is happy to debate the motion: there has never been any proposition to the contrary that I understand, but in terms of private members' time—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: There are many motions. Have a look at the number of motions on the Notice Paper in private members' time that have not yet been debated; Ms Pickles' Bill has been there for well over a month longer than the motion from the Hon. Mr Gilfillan.

The Government is happy to debate the motion, but wants the normal courtesies extended to us with respect to this particular motion on this particular day. I do not see why we ought to be denied those courtesies normally extended. If the Hon. Mr Gilfillan wanted the debate today he could have notified us that he insisted we have the debate today and we would have made arrangements. He did not do that, as far as I am aware, and now he has concocted this stunt with honourable members opposite to try to cause problems with private members' business, and to waste a lot of the Council's time. That is my solution to the problem and we can then debate the matter in an orderly manner next Wednesday, in the courteous manner in which the Council usually behaves. I submit, on my interpretation of Standing Orders 195 and 197, that the matter is such as I can seek leave to conclude my remarks, as it does not involve a motion.

The Hon. M.B. CAMERON: Do you want further advice, Madam President?

The PRESIDENT: I would be happy to take further advice, if the honourable member cares to give it.

The Hon. M.B. CAMERON: I am not a lawyer, nor do I ever intend becoming one. However, I think that the Attorney-General needs to go back to law school, because my reading of the Standing Order is quite clear.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I do not need advice from the Minister of Health, the Father of the Year. My reading of Standing Orders is quite clear, that the whole matter refers to adjournment of a debate. Standing Order 197 says quite clearly that if one seeks leave to conclude one's remarks and that is granted then the debate shall thereby be adjourned; so it is an adjournment motion when one seeks leave to conclude one's remarks. Therefore, it has the same effect right through Standing Orders dealing with adjournment of debate. However, I think that the Attorney went much wider than that, but my interpretation is similar to those of the two previous Acting Presidents, both of whom had to leave the Chair. I am glad to have you back, Madam President.

The PRESIDENT: Standing Order 195 quite clearly says that no such motion shall be entertained. It does not say that the debate may not be adjourned for 15 minutes; it says that no such motion may be entertained for 15 minutes. Standing Order 197 says that the debate shall be thereby adjourned if leave is given to conclude remarks. It is not in contradiction of Standing Order 195, because that does not say the debate may not be adjourned but says that no motion shall be entertained for the adjournment of the debate.

The matter, it strikes me, is rather academic at the moment since far more than 15 minutes has elapsed since the adjournment motion was negatived. However, I point out that under Standing Order 197 there must be unanimous agreement of the Council that the member has leave to conclude his remarks. A single dissenting voice will deny him that permission to conclude his remarks at a future time. It is obviously in the power of any member of the Council to refuse the member who is speaking leave to conclude his remarks. No vote is taken; a single dissenting voice will refuse that permission. The Attorney has sought leave to conclude. Is leave granted?

The Hon. M.B. Cameron: No.

The PRESIDENT: Leave is not granted.

The Hon. C.J. SUMNER: Madam President, allow me to compliment you on the sagaciousness of your ruling; it seemed to me to be impeccable, if I may say so. It was certainly much better than the submission of the Leader of the Opposition on the topic.

The Hon. R.I. Lucas: Or Mr Bruce's ruling.

The Hon. C.J. SUMNER: No, the Hon. Mr Bruce and the Hon. Dr Ritson were simply not charged with the necessary authority under the Constitution and Standing Orders of this Council to give any ruling at all. And they were aware of that, of course. I am pleased to see that the President has returned to the Chamber. Honourable members seem to have decided to proceed with this course of action, despite the fact that it is contrary to most of the courtesies that are usually extended at Question Time and during private members' time.

The Hon. R.J. RITSON: On a point of order, Madam President. The Hon. Mr Sumner has already concluded his remarks on the resolution before the Chair and I inquire as to which question he has the right to speak to at present.

The PRESIDENT: There is no point of order. The Attorney has the call and he is able to continue his remarks.

The Hon. C.J. SUMNER: Given that honourable members have not displayed the usual courtesies accorded to everyone with respect to private members' time, I will address the motion. The issue is quite simple. The Hon. Mr Gilfillan introduced a Bill to amend the Roxby Downs (Indenture Ratification) Act. Clearly, that is not acceptable to the Government, or to the Opposition for that matter. Of course, the Hon. Mr Gilfillan knew that that also was a stunt, because it is not really competent for the South Australian Parliament to pass a motion to amend the Roxby Downs (Indenture Ratification) Act, to prohibit sales of uranium from South Australia to France, knowing that the constitutional powers in this area in respect of export reside with the Federal Government and the Federal Parliament. If such an amendment were made to the indenture Act, then that amendment could be overruled by action through the Federal Parliament.

In any event, the indenture Act passed the Parliament in 1979. It is a binding agreement, and the Government does not feel that it could support any amendment to the indenture Act along the lines suggested by the Hon. Mr Gilfillan. So, having decided that that stunt would not work, the next approach made by the Hon. Mr Gilfillan was to move this motion. Allow me to say again that two simple issues are involved. The first is that the Government cannot countenance an amendment to the Roxby Downs (Indenture Ratification) Act on this particular topic. The second point is that the Premier has expressed the view that there ought not to be sales of uranium from Roxby Downs to France, and he has expressed that view publicly. He did it at the time when the Federal Government made its decision.

Accordingly, that is the position of the Government, quite simply.

The Hon. M.J. Elliott: Words!

The Hon. C.J. SUMNER: The honourable member interjects and says 'Words': I suppose that he is entitled to interject, because he is having an amusing day, having cooperated with the Liberal Opposition to, in effect, abuse the courtesies of the Council on this topic. That does not particularly bother me. The Government's position is clear. We cannot countenance an amendment to the indenture Act. The Premier has said that he opposes the sale of uranium to France and, accordingly, I move the following amendment:

That all words in the motion after 'Pacific' be deleted.

The Hon. G.L. BRUCE: I move:

That the debate be now adjourned.

The Council divided on the motion:

Ayes (8)—The Hons G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Noes (11)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan (teller), K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, and R.I. Lucas.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. R.J. Ritson.

Majority of 3 for the Noes.

Motion thus negatived.

The Hon. J.R. CORNWALL: I must say that it is to some extent fortuitous that I have been given the opportunity to speak to this motion. May I say at the outset that I am only on my feet because of the outrageous behaviour of the Opposition and the Democrats. In my submission that behaviour was grossly irresponsible. The reason why this Council has worked by and large reasonably well, with the numbers with which we have had to live now for quite some years, is that we have always observed reasonable courtesies. It is the norm rather than the exception for there to be some discussion amongst civilised people as to what speakers will be contributing on any particular day to any particular matter. It is the norm that neither the Government nor the Opposition raises objections to valid extensions of time. It has been normal practice in this Chamber for as long as I have been a member—and that has been since 12 July 1975—for the normal courtesies to be observed amongst the members here. Today, as a political stunt—and we do have an Opposition that is made up principally of stuntmen—

The Hon. Diana Laidlaw interjecting:

The Hon. L.H. Davis: Stunt persons—come on!

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I exempt Ms Laidlaw from that remark. She does not use stunts in politics. By and large, she is a very good and conscientious member. As I have often said, she is on the wrong side of the Chamber. Previously, I have offered to negotiate for her to come across to this side of the Chamber and, in the fullness of time and provided that she undergoes some re-education, I believe that she has the potential to sit somewhere on the right spectrum of this great Party to which we all belong on this side, but other members opposite are stuntmen. The Hon. Mr Davis also would be king—the painter. The Hon. Mr Cameron, when he released pigeons, resorted to stunts. It is the view of members opposite that no hard work is involved with politics. During Question Time, if a member on the front bench opposite, is a little stuck for a question—

The Hon. L.H. DAVIS: On a point of order, this has nothing to do with the motion now before us.

The PRESIDENT: I uphold that point of order, but I point out also that interjections are out of order. When I call for order, I expect interjections to stop. If they persist, I will name the perpetrators.

The Hon. J.R. CORNWALL: I was simply tying those remarks into the general debate, because we have seen a stunt. By and large, the motion is a stunt, because it attempts to put a number of different views within the one motion. In relation to the sale of uranium to France, everybody knows that at the July national conference of the ALP, as I understand it, there was no change of policy. How can we be embarrassed by that part of the motion which restates the national policy of the ALP?

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: I am perfectly happy to do so, but not the second part of the stunt. Let us trace the history of Roxby Downs, which is supposed to be such a source of great embarrassment to the Government.

The Hon. L.H. Davis: Is this barbed wire or razor wire?

The Hon. J.R. CORNWALL: Unlike the matter of women's shelters, on this matter I do not feel like a eunuch on a barbed wire fence. I feel perfectly comfortable and in full possession of all my powers. In 1982 we won a State election on the question of Roxby Downs, which is supposed to be a source of embarrassment to the Government. The great tacticians in the then Liberal Government, after much huffing and puffing and irresponsibly nurturing a cargo cult mentality among the public of South Australia, introduced the indenture and the Roxby Downs (Indenture Ratification) Bill in this Council. Of course, that is now history. It is on the record that the first time this matter was put to the vote, the Hon. Mr Foster, as he then was, voted with his colleagues in opposing the Bill. At that time that was the end of the matter, because it was quite clear that as a matter of ALP policy we opposed the development of Roxby Downs. In voting against that Bill all members of the then Opposition followed Party policy and there is nothing unusual about that. That has been the rule in the ALP for a very long time and not many of us have had much difficulty in living with it.

Had there been any smart tacticians on the front bench of the then Liberal Government, I would have thought that the sensible thing to do would be to prorogue the Parliament and go to an election. The one chance that that funny Tonkin Government (which in other respects really did not measure up as a State Government) had of re-election was to try to stage a one-issue campaign on Roxby Downs. It had been building up to it for months but, unfortunately for them, after that initial defeat of the Bill, the Hon. Mr Griffin took it upon himself to negotiate with the Hon. Mr Foster. Ultimately, he was able to obtain the support of the Hon. Mr Foster so that, when the Bill was recommitted, it was passed.

In retrospect and with the wisdom of hindsight, that was good for South Australia, but most certainly it was not good for the Tonkin Government because, in one fell swoop and through the machinations and acting on the advice of the Hon. Mr Griffin, it lost the one election issue on which it had any chance of being re-elected. That has been the extent of the Hon. Mr Griffin's political nous in all the years that he has been in this Council.

It is now history also that at a subsequent national convention the then Leader of the Opposition, Mr John Bannon, who was already demonstrating the outstanding qualities which have subsequently made him the most popular Premier in the history of this State, was able to go to that

national conference and have the Party's stand on uranium mining and export modified to the extent where it said, 'Overall, we do not particularly like this rather nasty area and we would be happier if it did not proceed, but we realise that in the real world, when one has a copper mine of vast proportions—

Members interjecting:

The Hon. J.R. CORNWALL: I know; I went to Roxby Downs in the very early days.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. J.R. CORNWALL: No.

The PRESIDENT: Order! If you wish to take a point of order, Mr Hill, you may do so, but when I call 'Order', interjections are to cease forthwith.

The Hon. C.M. HILL: I take a point of order at your invitation, Madam President. For the past 15 minutes the honourable member has been bragging about some political tactics that are history and it is not in any way related to the motion before the Chair.

The PRESIDENT: There is no point of order. The motion deals with the Roxby Downs (Indenture Ratification) Act and it seems to me that comments relating to the passing of that Act and its contents are highly relevant to the motion.

The Hon. J.R. CORNWALL: Thank you, Ms President, you are being even more sagacious than normal today, if I might compliment you on your excellent performance in the Chair. I was simply recounting the fact that, on my very first trip to Roxby Downs—even before a shaft had been sunk—I went with among others the Hon. John Burdett (who was Chairman of the then uranium select committee) and I believe, from memory, there was also the Hon. Mr Cameron, the Hon. Mr Davis, the Hon. Mr Foster and the Hon. Mr Milne. When the Hon. Mr Davis arrived at Olympic Dam he was briefed, as were all of us, on the ore body—the copper, gold, silver and, of course, the uranium. The Hon. Mr Davis, who has an absolute addiction to money, stood there with his eyes rolling because he could not believe the vast potential wealth of this huge ore body.

I have never believed that our long term future in this State lies other than in the development of high tech, tertiary, service and tourist industries. What we need in this State, and what we are trying to implement and I think successfully implement as a responsible Government—is a brain led recovery. Fortunately, we are showing the way. In terms of the first part of the motion—as I have said, this trick motion, this stunt motion—we do not have any real trouble in supporting Party policy and, quite frankly, we never have—whatever the policy might be at the time.

The Hon. I. GILFILLAN: I apologise for any discomfort that I have caused the Attorney-General in relation to lack of communication. However, I make plain that as far as I am concerned the indication was quite clear that we treated the motion as a matter of urgency. We attempted to continue the debate last night. I indicated to the Whip in discussion before the session that we wanted it to be carried through. The real crunch of the matter is that there is no way in which this can be regarded as a long winded debating point. It is a very clear articulation of what has been the Labor Government's policy. The issue of whether or not there should be any modification of the indenture and hiding behind that fence is a very feeble excuse indeed.

The Premier has commented on this. In my introductory remarks, I quoted the occasions when the Premier and the Minister of Mines and Energy commented on the possibility of amending the indenture. To use perhaps a little more circumspect language, it is a nonsense to say that this indenture is inviolate and cannot be touched. If it is such an issue of great importance to the ALP (and there are very few of them present to hear my remarks) that uranium should not be sold to France—and in great indignation that it should not be sold to France—how does that compare in morality to some form of adjustment to an indenture?

I make quite clear that I chose the wording for the motion very advisedly. I used the term 'would jeopardise the Roxby Downs indenture'. The Federal Government has control over where our uranium and other minerals go. I recognised that fact in my original remarks. However, we will have some sovereignty in relation to what takes place in our indentures and in the relationships and arrangements that we as the South Australian Parliament enter into with people who wish to exploit the resources of our State. I have no hesitation in seeing that a Government follows its principles—the moral position—through to a point where that is reflected in legislation. I also make quite plain that there was no indication, nor understanding, by the joint venturers when they signed the indenture that they would be selling uranium to France. Of course, it is only in recent days that they have even begun to think about that. Mind you, once they have had the opportunity, they will certainly be very eager to get in there and get what they can from any available markets in France.

I urge the Council to consider the motion as an opportunity for us as South Australians to express an opinion of principle firmly held by a large majority of Australians, of all political persuasions, that France should not be testing in the South Pacific and that it should sign the nonproliferation treaty; and that we do not approve of France (as has been alleged) providing Israel with the wherewithal and the knowledge to establish itself as a nuclear powered nation. The French have shown a scandalous disregard to morality in the handling of uranium. There is no cover by whatever signed piece of paper to say that our uranium will not finish up in armaments tested at Mururoa or for any other nefarious use. The French have shown themselves to be totally untrustworthy in relation to uranium and in other areas.

I understand that there may be some sensitivity and that some may think that this statement should not be made while we are hosting the *Commandant Blaison* and we have French sailors as guests in our city. That is no excuse for us, if the issue is important to people in this State, to not let it be known in a reasonable way that we do not approve of the way the French are currently using their uranium. The Government must appreciate—as I am sure the Opposition does—that the Democrats have a much stronger position as regards uranium and its use and sale than is currently housed in this motion. It is not a stunt or a gimmick: it is a sincere attempt to allow the Government an opportunity to say something which shows some credibility to this strongly avowed statement made by the Premier on several occasions and supported by two senior Ministers in this place.

If there is any sincerity in this motion as far as the Government is concerned, it must have more than a simple platitudinous statement or a throwaway line. Throwaway lines are cheap. There needs to be a message. It is quite obvious that the joint venturers are very responsive to what the State Government feels, if they see that it will affect the way in which they can conduct their mine at Roxby Downs. I understand that there have been considerable discussions (and that they will continue) between the joint venturers and the Government in relation to the health of workers and the storage of waste such as tailings. So I

believe it is anticipated by the joint venturers that they will have ongoing discussions with the Government and that they will be sensitive to the wishes of the Government. How craven will the ALP and the Labor Government be in this respect if they have any intention of having any credibility with the people of South Australia in relation to the selling of uranium to France. The amendment is a pathetic attempt to leave a platitudinous statement which virtually no-one—other than some semantic Liberals—could object to. In due course, I will turn to the remarks made by the Hon. Mr Lucas. However, I am really addressing my remarks to the Government in particular. We did not expect the Opposition to support the motion. The Opposition has been quite plain in its attitude even though there was some ambiguity about its policy. We would not have turned to the Opposition for any support.

The Hon. C.J. Sumner: How can the Government tell the Roxby Downs joint venturers that sales to France would jeopardise the indenture when the indenture is something that is determined by the Parliament, not by the Government? This motion is completely illogical. To pass that motion with that in it is quite illogical.

The Hon. I. GILFILLAN: It is reasonable if it is not also accompanied by a whole lot of intemperate shouting. How the Government would indicate this message is quite clear. It would indicate that it intended to move an amendment which could simply transfer some of the incredibly expensive infrastructure, which the taxpayers of this State are going to pay, to the joint venturers, the same as any other mining venture virtually across Australia. It is the mining company's responsibility. It would be a very small matter for the Government to indicate its displeasure and say that these sort of steps could be considered because it felt absolutely convinced at this stage that France was an unacceptable recipient of our uranium. That is the only way the message can have any significance. Is there any credibility in the Government's saying to the world, 'We have told France that we don't want the joint venturers entering into contracts with France.'

The Hon. C.J. Sumner: You don't want anything that brings jobs. You didn't want the Grand Prix: you don't want Roxby Downs; you don't want anything. Go back to your house on Kangaroo Island and grow your vegies.

The Hon. I. GILFILLAN: The rather inane interjections by the Attorney-General indicate that he is either not prepared to consider the issue on a logical basis or is feeling very embarrassed about it. I believe that there is some point in making an analysis of the Liberals' position. It is, as the Hon. Rob Lucas implied, uncertain as to what the earlier policy of the Liberals intended; whether, in fact, they were averse to selling uranium to countries which were not signatories to the Non-Proliferation Treaty. Many elected members of the Liberal Party were of the opinion that, in fact, it was therefore prohibted to sell uranium to France because it was not a signatory to the Non-Proliferation Treaty.

However, the Hon. John Olsen made plain at a meeting quite recently that the leaders reaffirmed for themselves—and I imagine that clarified the issue for any doubting members—that the signing of a safeguards agreement was the only condition the Liberals would require. The sort of defence that, if the safeguards agreements are signed then the IAEA (International Atomic Energy Authority) will be adequately supervising the use of uranium is, again, a pathetic excuse for allowing sale to a nation which, I trust, many Liberal supporters feel is irresponsible in its use of uranium. Therefore, I am convinced that the bulk of South Australians do not want our uranium to be going to France for whatever seems to be the avowed purpose, because the country is contaminated as a user of uranium. I would urge the Chamber, Ms President, to oppose the amendment.

Members interjecting:

The Hon. I. GILFILLAN: Ms President, can I secure your protection? I am having a little difficulty getting my words through the interjections.

The PRESIDENT: I can hear you, Mr Gilfillan. The interjections seem to me to be at a lot lower level than occurred earlier.

The Hon. I. GILFILLAN: May I suggest to you that it depends on which way the Attorney-General is facing. He happens to be facing my way. The volume, therefore, is much more severe at my end. However, I am on my concluding remarks and would ask that I can at least hear myself speak.

The issue, as I see it, and the point of the motion, is to clearly give this Parliament an opportunity to indicate the integrity and the sincerity of those who claim responsiblity in the end use of our uranium. If there are any who have misgivings about that as the intention of the motion, I believe that they can draft an alternative motion. If the Government feels that it has some other statement to make, there is no reason why it cannot make public statements and declare its own position without having to resort to amendments to this motion.

I am convinced that members whom I know in this place feel as strongly as we do about the sale of uranium to France and, in fact, feel as strongly as we do about the sale of uranium full stop. It will be an extraordinarily uncomfortable situation for them and their consciences to vote against this motion, and to vote for the amendment will virtually, in effect, be indicating that we can have a principle but, when that principle confronts some practical or expedient situation, the principle wavers. The proof of how strongly one holds a moral position or principle is how much one is prepared to carry that through into action.

I have worded this motion deliberately so that it is the minimum that can be accepted and still have the message that we do have integrity and a conscience about the use of uranium coming from South Australia. We certainly have the right in South Australia to take this action and indicate to the world that we, at least, have some integrity and conscience about it. I appeal to members. I appeal particularly to those who feel as strongly as we do that this is an opportunity to show how we feel; it is not putting the indenture at risk.

It is indicating to the joint venturers—who have not up to this stage even considered selling uranium to France—that they leave out the negotiations with France and trot off and do their other business. There is absolutely no reason why this motion cannot be passed, and I urge members—especially those who wish to hold their consciences high in South Australia regarding uranium and its use—to support the motion.

The Council divided on the amendment:

Ayes (8)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner (teller), and G. Weatherill.

Noes (11)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan (teller), K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, and R.I. Lucas.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. R.J. Ritson.

Majority of 3 for the Noes.

Amendment thus negatived.

The PRESIDENT: I now put the question 'That the motion moved by the Hon. Mr Gilfillan be agreed to'.

The Council divided on the motion:

Ayes (2)—The Hons M.J. Elliott and I. Gilfillan (teller).

Noes (16)—The Hons G.L. Bruce, J.C. Burdett, M.B. Cameron (teller), B.A. Chatterton, J.R. Cornwall, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Majority of 14 for the Noes.

Motion thus negatived.

TRAVEL AGENTS ACT AMENDMENT BILL

The Hon. J.R. Cornwall, for the Hon. C.J. SUMNER (Attorney-General), obtained leave and introduced a Bill for an Act to amend the Travel Agents Act 1986. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

This Bill proposes minor amendments to the Travel Agents Act 1986, which was passed on 4 March 1986 and assented to on 20 March 1986. The Travel Agents Act 1986 is designed to be part of a uniform scheme for the regulation of travel agents adopted by New South Wales, Victoria, Western Australia and South Australia. Further amendment to the Act was contemplated before the Act was passed. During the parliamentary debate on 19 February 1986 the Minister of Consumer Affairs stated:

> I also indicate to the Council the passage of the Bill will not mean that the scheme will be established within a week or two after that. There is still a lot of work to be done, and I anticipate that negotiations will continue for another six months or so, given that we must rely on three other States to get the scheme up and running. The sooner the Bill is passed, so that everyone knows that the Parliament approves the principles of the Bill, the sooner the scheme can come into operation.
>
> It is necessary to make that point so that honourable members realise that a considerable amount of work is yet to be done before a proposal is fully in place. It may be that, as the scheme is developed further by consultation over the next few months, there will be a need for the matter to be again put before the Parliament, if there is some minor tidying up to be done. We really had no choice but to introduce the Bill, get the principles accepted and have the Bill passed by Parliament and to then deal with any outstanding matters in consultation with the other States.

Similar legislation was subsequently passed in New South Wales and Victoria. As a result, it is now possible to identify certain core provisions which need to be similar in each of the State Acts. Those core provisions are contained in a schedule to a participation agreement signed by the respective Consumer Affairs Ministers from New South Wales, Victoria, Western Australia, and South Australia on 19 September 1986. Most of the matters set out in the schedule are already covered by the South Australian Act. However, the schedule calls for the enactment of a provision to allow for forfeiture to the Travel Compensation Fund of profits from trading as a travel agent without a licence. Section 7 of the Travel Agents Act 1986 has been amended to include such a provision. Section 8 of the principal Act has also been amended by including a further matter of which the tribunal must be satisfied before granting a licence.

It was also thought to be appropriate to include a provision which made it an offence for a licensee to fail to ensure that the business was managed and personally supervised by a person with prescribed qualifications. This provision had been included under grounds for disciplinary proceedings, and, because of the wording in the disciplinary provisions, it will remain so. A further ground for disciplinary proceedings has also been included in subsection (8) of section 13. A person who is carrying on business as a travel agent may now be disciplined where he/she has been found guilty of an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months. Section 24 of the principal Act has been amended by deleting provisions which, after discussions with the other participating States, are no longer compatible with the trust deed. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 amends section 7 of the principal Act, which deals with the requirement for a travel agent to be licensed. Provision is made for a court, in convicting a person for carrying on business without a licence, to order the person, or any associate, to pay to the Crown the estimated profits arising from the commission of the offence. Any amount so received by the Crown is to be paid into the compensation fund.

Clause 4 amends section 8 of the principal Act. The effect of the amendment is that the tribunal must be satisfied before granting a licence, that the applicant is not disqualified from holding a licence under a corresponding law. In addition, the requirement that the tribunal be satisfied that the applicant is financially sound is to be removed, in order to facilitate South Australia's participation in the compensation scheme.

Clause 5 inserts into the principal Act new section 10a. The new section requires that each place from which a licensee carries on business must be personally managed and supervised by a person with qualifications approved by the tribunal.

Clause 6 inserts into section 13 of the principal Act a new ground for disciplinary action: that the respondent has been found guilty of an offence convicting fraud or dishonesty punishable by imprisonment for three months or more.

Clause 7 removes certain subsections from section 24 of the principal Act. This amendment will facilitate South Australia's participation in the compensation scheme.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) ACT AMENDMENT BILL

The Hon. J.R. Cornwall, for the Hon. C.J. SUMNER (Attorney-General), obtained leave and introduced a Bill for an Act to amend the National Companies and Securities Commission (State Provisions) Act 1981. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

This Bill is cognate with the Futures Industry (Application of Laws) Bill 1986. The purpose of the Bill is to amend the National Companies and Securities Commission (State Provisions) Act 1981, in consequence of the enactment by the Commonwealth Parliament of Part III of the Companies and Securities Legislation Amendment (Futures Industry) Act 1986 and the enactment by the Commonwealth Parliament of the Companies and Securities Legislation (Miscellaneous Amendments) Act 1985. The National Companies

and Securities Commission (State Provisions) Act 1981 is intended to complement the National Companies and Securities Commission Act 1979 of the Commonwealth and that Commonwealth Act has been amended by the other mentioned Commonwealth Acts. The amendments effected by this Bill are designed to ensure that the State Act remains consistent with its Commonwealth counterpart. The Bill is effectively divided into two parts—one associated with the application of the Futures Industry (South Australia) Code in this State and the other with miscellaneous amendments to the principal Act. The commencement provision reflects this two-part approach. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the various provisions of the measure.

Clauses 3 to 5 effects amendments to the principal Act in consequence of the enactment by the Commonwealth Parliament of Part III of the Companies and Securities Legislation Amendment (Futures Industry) Act 1986, which Act, in turn, is consequential in the enactment of the Futures Industry Act. The amendments are therefore related to the application of the Futures Industry (South Australia) Code in this State. Clause 3 amends the principal Act by inserting a definition of 'futures contract'. Clause 4 amends section 16 of the principal Act, which prohibits members and officers of the commission and others from dealing in securities in certain circumstances. The amendment extends the operation of the section to dealings in futures contracts. Clause 5 amends section 17 of the principal Act, which requires members and officers of the commission and others to notify their interests in securities and in certain other matters to the commission. The amendment extends the operation of the section to dealings in futures contracts.

Clauses 6 to 9 effects certain amendments to the principal Act which are principally consequential on the enactment by the Commonwealth Parliament of Part IV of the Companies and Securities Legislation (Miscellaneous Amendments) Act 1985, which effected amendments to the National Companies and Securities Commission Act 1979 of the Commonwealth. Clause 6 strikes out a redundant definition. Clause 7 revamps section 8 (3) of the principal Act to provide consistency in language by providing that an oath or affirmation taken or made under that section relates to the giving of evidence. Clause 8 amends section 9 of the principal Act, which relates to the proceedings at hearings conducted by the commission. As that section now stands, the commission is required to conduct a hearing as if it were a meeting of the commission. The commission is able under the Commonwealth Act to conduct its meetings by telephone. The amendment excludes the use of telephones in conducting hearings. Clause 9 amends section 12 of the principal Act, which is a delegation making provision. It is proposed that the commission be able to delegate to a member or acting member the powers conferred in it under section 7, 8, 9 or 10.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

FUTURES INDUSTRY (APPLICATION OF LAWS) BILL

The Hon. J.R. Cornwall, for the Hon. C.J. SUMNER (Attorney-General), obtained leave and introduced a Bill for an Act relating to the futures industry in South Australia. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

The purpose of this Bill is to apply Commonwealth legislation regulating the futures industry to South Australia, in accordance with the State's obligations under the Co-operative Companies and Securities Scheme. The Bill will apply the Futures Industry Act 1986 of the Commonwealth which came into force in the Australian Capital Territory on 1 July 1986. This Bill contains provisions modifying the Commonwealth law in its application to South Australia to take account of particular local laws and practice and also contains other machinery provisions enabling the collection of fees, amendment of regulations and the publication of the Futures Industry (South Australia) Code.

The formal agreement entered into by the Commonwealth and all the States on 22 December 1978 provides the framework for a cooperative Commonwealth/State scheme for a uniform system of law and administration regulating companies and the securities industry. The scheme prior to 1 July 1986 covered the relevant law operating in each of the States and the Australian Capital Territory. On 1 July 1986 the Northern Territory joined the cooperative scheme and, accordingly, the benefits of the cooperative scheme, which include one place of registration and the ability of local delegates to exercise discretions having regard to particular local considerations, will now extend to the Northern Territory as well. The parties to the formal agreement have agreed that the Cooperative Companies and Securities Scheme should be extended to include the regulation of the futures industry and franchising. The Commonwealth Futures Industry Act 1986 has in accordance with the formal agreement as amended, been agreed to unanimously by the Ministerial Council for Companies and Securities.

Generally speaking, futures trading involves the entering into of a futures contract which is a legally binding instrument to buy or sell a designated quantity of a commodity at a specified time in the future at a price agreed upon today. Futures trading in Australia has developed from a specialised market which at its inception was of interest principally to wool producers. The Sydney Greasy Wool Futures Exchange commenced trading in 1960 but has rapidly developed as a multi-commodity exchange. Although the expansion of the contracts traded on the exchange initially related to the needs of the primary industry, in recent times there has been great growth in the area of financial futures.

Whilst financial futures do not necessarily involve the obligation to deliver or take delivery of a commodity, the parties to the contracts agree to settle the contract by way of differences, that is, the difference between the contract price and the prevailing market price at the date of closing out of the contract. The expansion and deregulation of the Australian financial system has led to a situation where, amongst other things, participants in that system seek to redistribute economic risks or to secure a profit by hedging against commodity price fluctuations or speculating on future price movements. Financial futures enable business risks such as changing exchange rates, interest rates and share prices to be limited.

Prior to the enactment of the Futures Industry Act 1986 of the Commonwealth, the only legislation in Australia regulating trading or dealing in futures contracts was the Futures Markets Act 1979 of New South Wales, which did little more than facilitate self-regulation by the Sydney Futures Exchange by medium of that exchange's own business rules. That Act also enabled some supervision by the

New South Wales Attorney-General and New South Wales Corporate Affairs Commission of the activities of persons who dealt on the futures market of the Sydney Futures Exchange. The need for regulation of the futures industry may be identified under two broad headings—first, economic or financial system issues and, secondly, investor protection issues.

As to economic or financial system issues, deregulation of the financial system has led to greater sophistication in investment and risk hedging strategies. Increasingly, futures contracts for hedging purposes are being taken out by businesses at all levels and it is imperative that participants in the futures industry and its markets have confidence that the market pricing mechanism operates fairly and without manipulation. Participants must also be confident that the obligations which parties assume in respect of futures trading are met.

As to investor protection issues, one of the essential requirements to an active market such as the futures market, which has a large hedging component, is the presence of speculators who are prepared to risk their capital to give liquidity and depth to the market by taking positions opposite to hedges with a view to making profits at a far higher rate than would be made in other areas of investments such as shares, debentures and bonds. It is the attraction of high profit potential that may lead unscrupulous persons to induce the unwary or unsophisticated to invest in futures contracts where, by the very nature of the market, the vast majority of speculators lose and these losses may and often do exceed the amount initially outlayed by the investor as his or her risk capital.

It is with the objective of meeting these issues that the Government now by this Bill seeks to regulate the futures industry in South Australia by a regime of legislation that whilst structurally based upon the regulation of the securities industry takes into account, conceptual differences between securitites and futures contract trading. Accordingly, the Futures Industry (South Australia) Code will establish a regulatory regime which the Government believes strikes the best balance between the legitimate commerical expectations of futures brokers and advisers on the one hand and investor protection and public confidence in the operations of the market on the other.

The legislation requires futures brokers and advisers to be licensed and also establishes a system for the approval of futures exchanges and clearing houses. A clearing house for a futures exchange generally guarantees to the floor members of the futures exchange the performance of contracts which are registered with the clearing house. The legislation also recognises that in the area of futures trading there is scope for a degree of self regulation by the industry and accordingly bodies corporate including futures exchanges which maintain effective rules regulating the conduct of their members may apply for approval as a futures association. Futures exchanges and futures associations must also establish a fidelity fund for the protection of clients against defalcation by members. The legislation will also require futures brokers to maintain adequate records of financial matters and client instructions, and to separate client funds from the brokers own funds.

The Futures Industry (South Australia) Code will also seek to meet public concern about sharp practices which have occurred in particular in respect of what have been called 'bucket shop' operations. In these situations futures contract orders by clients which are intended to be placed on an established futures exchange have not been so placed and the client's position has been matched off either against other clients or against the broker itself. Accordingly, this legislation contains a number of specific and general offences, many of which are comparable to the market manipulation and false trading offences in the Securities Industry (South Australia) Code. There are, however, a number of offences which are specific to the futures industry, in particular the 'anti bucketing' provisions.

The regulatory regime which the Bill now before this Council seeks to apply as the law in force in South Australia has been exposed twice for public comment and the Government believes that the regulatory regime is the best balance between the interests of brokers and other participants in the industry and their clients and the public generally. A great deal of the public debate is centred on the definition of 'features contract' as this concept effectively sets the ambit of the legislation. The definition seeks to ensure that it is sufficiently wide to bring within its regulatory umbrella all contracts generally considered to be futures contracts whether traded on or off an official market so as to overcome any avoidance techniques which may deny clients of brokers the protection of the legislation. At the same time the definition seeks to exclude legitimate commercial arrangements that should not be within the umbrella of the legislation. I commend this Bill to the House. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides definitions necessary for the operation of the new Act. In particular, the expression 'the applied provisions' is defined as the Commonwealth Futures Industry Act 1986, applying as part of the law of the State by virtue of proposed sections 5 and 6 of the Bill.

Clause 4 provides that the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981 applies to the proposed Code. The effect is that the provisions of the proposed Code will be interpreted in accordance with the Companies and Securities (Interpretation and Miscellaneous Provisions) (South Australia) Code.

Clause 5 applies the provisions of the Commonwealth Futures Industry Act 1986 as part of the law of the State, subject to the modifications contained in Schedule 1.

Clause 6 applies the provisions of the regulations in force under the Commonwealth Act as regulations in force under the provisions applying by virtue of clause 5, subject to the modifications contained in Schedule 2.

Clause 7 requires fees to be paid out to the Corporate Affairs Commission in respect of documents lodged and other matters connected with the National Companies and Securities Commission. The fees that apply in South Australia will be the same as those applying in the Australian Capital Territory under the Commonwealth Fees Regulations.

Clause 8 empowers regulations to be made by the Governor which have the effect of varying the provisions of regulations applying by virtue of clause 6.

Clauses 9 to 11 authorise the publication of the Code, the regulations under the Code and the fees regulations, as they apply in South Australia.

Clause 12 authorises the publication of provisions of the applied laws following amendment of the Commonwealth Act.

Clause 13 provides that a reference in a law of the State to a provision of the proposed Futures Industry (South

Australia) Code, the proposed Futures Industry (South Australia) Regulations or the Futures Industry (Fees) (South Australia) Regulations is to be construed as a reference to the Commonwealth Act applying by virtue of clause 5, the regulations made under that Act applying by virtue of clause 6 or, as the case may be, the Schedule to the Commonwealth Fees Regulations.

Clause 14 enables certain amendments to be made to the Act by regulations if the ministerial council agrees.

Schedule 1 makes certain necessary modifications to the provisions of the Commonwealth Act for the purposes of enabling those provisions to be applied as laws of South Australia.

Schedules 2 and 3 make certain necessary modifications to the provisions of the regulations made under the Commonwealth Act and the Schedule to the Commonwealth Fees Regulations for the purpose of enabling those provisions to be applied as laws of South Australia.

Schedules 4 to 6 specify the headings and preliminary provisions to be included in the provisions to be published pursuant to clauses 9 to 11.

The Hon. L.H. DAVIS secured the adjournment of the debate.

SECURITIES INDUSTRY (APPLICATION OF LAWS) ACT AMENDMENT BILL

The Hon. J.R. Cornwall, for the Hon. C.J. SUMNER (Attorney-General), obtained leave and introduced a Bill for an Act to amend the Securities Industry (Application of Laws) Act 1981. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

This Bill is cognate with the Futures Industry (Application of Laws) Bill 1986. The object of this Bill is to amend the Securities Industry (Application of Laws) Act 1981 to provide for certain rights or interests to be exempted from the definition of 'prescribed interest' in the Securities Industry (South Australia) Code, consequent upon an amendment to the Securities Industry Act 1980 of the Commonwealth effected by the Companies and Securities Legislation (Miscellaneous Amendments) Act 1985 of the Commonwealth. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides, in paragraph *(a),* for the removal from section 15a of the Securities Industry (Application of Laws) Act 1981 (dealing with exemptions from 'prescribed interests' which are regulated by Division 6 of Part IV of the Companies (South Australia) Code) a redundant reference to a paragraph of the definition of 'prescribed interest' under the Securities Industry (South Australia) Code. The provisions of Division 6 of Part IV of the Companies (South Australia) Code regulate the public offering of 'prescribed interests' (as defined in the Securities Industry (South Australia) Code), in this State. This exemption power has previously been used in South Australia to allow statutory trustee companies to offer interests in their common funds to the public without being required to have an approved trustee, trust deed or registered prospectus. The amendment to section 15a ensures that such interests may be exempted by regulation. Paragraph *(b)* of clause 2 effects an amendment consequent upon the removal of the redundant reference as effected by paragraph *(a).*

The Hon. L.H. DAVIS secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

The Hon. J.R. Cornwall, for the Hon. C.J. SUMNER (Attorney-General), obtained leave and introduced a Bill for an Act to amend the Evidence Act 1929. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

This Bill proposes an amendment to the Evidence Act to provide for the services of interpreters in court cases. The Bill is similar to one introduced in February 1986 which lapsed on the prorogation of Parliament. It has been redrafted to state a witness's entitlement to an interpreter in a more positive way. A similar amendment will be made to the Summary Offences Act in relation to the questioning of suspects by police before arrest.

At present in civil cases, the use of an interpreter by parties or witnesses is entirely a matter of discretion for the judge. There appears to be no authority directly on the point for criminal proceedings, though presumably the position is the same, for it is a basic rule that court proceedings must be conducted in English. While there is no legal right to use an interpreter, the law seeks to ensure that those who are not able to speak English receive a fair hearing.

When a party or witness lacks competence in the English language, it is important to ensure that the party or witness understands the questions and that any risk of mistake arising from language difficulties is avoided. If courts are to do justice in these cases it is essential that the party, or witness has the right to the services of an interpreter. The proposed amendment to the Act will ensure that parties and witnesses have the right. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides for a new section 14 relating to the giving of evidence in a language other than English. The section provides that where the native language of a witness who is to give oral evidence is not English and the witness is not reasonably fluent in English, the witness is entitled to give the evidence through an interpreter. In addition, the section makes provision for the reception of an affidavit or other written deposition in a foreign language if the affidavit or other written deposition has annexed to it a translation of its contents into English and an affidavit verifying the accuracy of the translation.

The Hon. L.H. DAVIS secured the adjournment of the debate.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 3)

The Hon. J.R. Cornwall, for the Hon. C.J. SUMNER (Attorney-General), obtained leave and introduced a Bill for

an Act to amend the Summary Offences Act 1953. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

It is identical to one introduced in February 1986 which lapsed on the prorogation of Parliament. The Bill proposed an amendment to the Summary Offences Act to provide for the use of interpreters in police interrogations. A similar amendment will be made to the Evidence Act in relation to the giving of evidence before the courts. The proposed amendment will entitle a suspect to have the assistance of an interpreter where the suspect's native language is not English and where he/she is not reasonably fluent in English.

Current Police General Orders require police officers, prior to commencing an interrogation or interview with a person who appears to have an inadequate comprehension or command of the English language, to satisfy themselves that the person is able to understand and speak English to a degree which would be acceptable in a court hearing. When there is some doubt as to the level of comprehension or language ability, the officer should arrange for an interpreter to be present before the interview proceeds.

As statements made during a police investigation can often be critical evidence in criminal proceedings it is important that no misunderstandings arise between an interrogating officer and the suspect. Where a suspect's command of English is limited, the services of an interpreter should be made available, to minimise the risk of a misunderstanding. An inability to master English should not prejudice a person's right to be dealt with fairly. Access to an interpreter should not merely be dependent on Police General Orders, but should be a legal entitlement recognised in legislation. The proposed amendment grants such an entitlement. I seek leave to have the formal explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides for the redesignation of section 75a as section 74a and inserts a new section 74b in the principal Act. The section provides that a person who is not reasonably fluent in English and who is suspected of having committed an offence will be entitled to be assisted by an interpreter during any questioning conducted as part of the investigation of the offence.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

[*Sitting suspended from 6 to 7.45 p.m.*]

COMMERCIAL ARBITRATION BILL

The Hon. J. R. Cornwall, for the Hon. C.J. SUMNER (Attorney-General), obtained leave and introduced a Bill for an Act to make provision with respect to the arbitration of certain disputes; to repeal the Arbitration Act 1891; to make related amendments to the Local and District Criminal Courts Act 1926 and the Supreme Court Act 1935; and for other purposes. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

With the concurrence of the Council and to expedite business, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted

Explanation of Bill

The Commercial Arbitration Bill is the product of many years work by the Standing Committee of Attorneys-General to achieve uniform law for the settlement of disputes by arbitrators throughout Australia.

The need for reform and restatement of this area of law has been recognized in a number of Australian jurisdictions. The South Australian Law Reform Committee examined the subject in a report of 1969. Victoria's Chief Justice's Law Reform Committee considered the matter twice—in 1974 and again in 1977. The Queensland Law Reform Commission reported on the subject in 1970, the Australian Capital Territory Law Reform Commission in 1974 and the New South Wales Law Reform Commission in 1976.

The Standing Committee of Attorneys-General agreed in 1974 to the preparation of a model Bill to form the basis of uniform legislation.

The model Bill that was finally agreed to was the culmination of more than 10 years work. It is an important example of cooperation between Commonwealth, State and Territory Governments. When it is enacted in all jurisdictions, Australia will have a substantially uniform system of arbitration for the settlement of disputes arising from commercial agreements.

Legislation based on the model Bill was enacted in New South Wales and Victoria in 1984, the Northern Territory and Western Australia in 1985, a Bill has been introduced in the Tasmanian Parliament in 1986 and the Queensland Attorney-General has announced his intention of introducing legislation in the near future.

The scheme of the legislation is generally to give the parties to an arbitration agreement freedom to regulate the arbitration agreement as they wish; where the parties have not made provision for a particular contingency the legislation steps in and provides what is to happen.

Many of the provisions of the Bill relate to purely procedural matters. I shall proceed to draw members' attention to some of the more important provisions of the legislation. The notes on clauses are substantial and should be referred to for assistance. The Bill makes provision for the court to appoint an arbitrator or arbitrators, when an arbitration agreement is silent as to who should arbitrate, or where a person appointed dies or otherwise ceases or fails to act. Apart from this role, the possibility of court intervention is kept to a minimum.

The arbitrator will have a wide discretion as to the manner in which arbitrations are conducted. He must act according to the law, but may otherwise conduct proceedings as he thinks fit.

If the parties confer upon the arbitrator the further authority, he may even act as *amiable compositeur* or *ex aequo et bono.* These words appear in the marginal role to clause 22. Their meaning is explained in clause 22 (2)—the arbitrator may determine questions by reference to considerations of general justice and fairness. The result is not that the arbitrator is authorised to act as a libertine. He must always act according to the rules of natural justice and the provisions of the arbitration agreement.

On application to the court, a party to an arbitration can obtain a writ requiring any person to appear or to produce documents. An arbitrator will have power to make interim awards. This is frequently necessary to preserve the status

quo, to safeguard property or to protect the interests of a party pending a full hearing. An arbitrator will have the power to order specific performance of an agreement in circumstances in which such a remedy would be available in the Supreme Court. Awards made in arbitration proceedings will be final and binding.

Unless the arbitration agreement makes specific provision as to costs, the arbitrator will have a discretion as to awarding the costs of the arbitration. There is also provision for an interest component to be included in the award, and for interest to be paid on any sum ordered to be paid by a party, so that the aggrieved party can receive interest on any sum owed from the date on which the dispute arose until payment is made. This provision takes account of commercial interests and recognizes the need for the law in this area to operate in a commercially realistic fashion.

There will be no jurisdiction in the court to set aside an arbitrator's award on the ground of error of fact or law on the face of the award. Consent of the parties or leave of the Court is a prerequisite to an appeal from an arbitrator's award. The court will however have power to set aside an award where there has been misconduct on the part of the arbitrator or the arbitrator has misconducted the proceedings.

Of particular concern to the Standing Committee was the question of whether a party should be legally represented. Submissions were received supporting every view from representation without restraint to strictly controlling the right to representation.

The provision which eventually appeared in the model Bill was defective in several respects, notably in that a body corporate had an unqualified right to legal representation at an arbitration while a natural person had not.

The model provision ignores the fact that a natural person may have much greater need of legal representation before an arbitrator than before a judge or magistrate. Moreover the model provision purported to limit rights to legal representation in large commercial claims. The model provision has been re-drafted and the provision in this Bill allows a party to be represented by a legal practitioner where a party to the proceedings is a legal practitioner, where all parties agree, where the amount of the claim exceeds the prescribed amount, or where the arbitrator or umpire gives leave for such representation.

Another departure from the model Bill is found in clause 53 of the Bill. Clause 55 prevents the use of *Scott v Avery* clauses to oust the jurisdiction of the courts. This means that a claimant who is a party to an arbitration agreement can choose to proceed either by arbitration or in court. If the latter choice is made, the court has a discretion to stay the proceedings (and hence compel the complainant to go to arbitration) but only if the defendant satisfies the court that there is 'no sufficient reason why the matter should not be referred to arbitration in accordance with the agreement.' The model provision thus makes available to the plaintiff a choice of forum which is not open to the defendant. In order to redress this imbalance, a further provision has been included under which a defendant can have arbitration proceedings removed into court where there is good reason why the matter should be dealt with by a court rather than an arbitrator.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 contains repeal, transitional and application provisions. Subclause (1) provides for the repeal or amendment of the legislative provisions contained in the schedule. Subclause (2) provides that the Act shall apply to any arbitration agreement, whether made before or after the commencement of the Act, but, by virtue of subclause (3), if an arbitration is commenced before the commencement of the Act then the arbitration is to continue as if the Act had not been enacted. Subclause (4) provides that the Act shall apply to arbitrations provided for in any other Act. Subclause (5) states the circumstances in which an arbitration is to be deemed to have commenced. Subclause (6) removes from the operation of the Act arbitrations under the Supreme Court Act, the Local and District Criminal Courts Act and the Industrial Conciliation and Arbitration Act and arbitrations prescribed by the regulations.

Clause 4 contains various definitions required for the purposes of the Act.

Clause 5 provides that the Act binds the Crown.

Clause 6 provides that, unless the parties agree to the contrary, where an arbitration agreement does not specify the number of arbitrators to be appointed, then it shall be deemed to provide for the appointment of a single arbitrator.

Clause 7 provides that, unless the parties otherwise agree, an arbitrator shall be appointed jointly by the parties to the agreement.

Clause 8 sets forth the procedure that can be adopted if a person who has power to appoint an arbitrator defaults in the exercise of that power.

Clause 9 provides for the appointment of a new arbitrator or umpire in place of an arbitrator or umpire who dies or ceases to hold office.

Clause 10 empowers the Court to fill a vacancy in the office of an arbitrator or umpire.

Clause 11 provides that where an arbitrator or umpire is removed by the Court, the Court may appoint a replacement or, unless the agreement is a prescribed arbitration agreement, order that the arbitration agreement will cease to have effect.

Clause 12 provides for the appointment of an umpire by the arbitrator if there is an even number of arbitrators.

Clause 13 deems an arbitrator or umpire appointed pursuant to Part II of the Act to have been appointed pursuant to the provisions of the arbitration agreement.

Clause 14 provides that subject to the Act and the agreement, an arbitrator or umpire may conduct the arbitration proceedings in such manner as he or she thinks fit.

Clause 15 provides, where the agreement provides for 3 or more arbitrators, for the appointment of a presiding arbitrator and the manner in which decisions are to be made.

Clause 16 establishes the circumstances in which an umpire may enter on the arbitration in place of the arbitrators as if the umpire were the sole arbitrator.

Clause 17 provides for the summonsing of witnesses and the production of documents.

Clause 18 provides that, unless the agreement expresses a contrary intention, on application to the Court by a party or an arbitrator or umpire, the Court may order a person in default to comply with a summons to attend or with a requirement of the arbitrator or umpire and may make consequential orders as to the transmission of evidence or documents to the arbitrator or umpire. By virtue of subclause (3), an arbitration may proceed in default of appearance or compliance with the requirement of an arbitrator or umpire if, in similar proceedings before the Supreme Court, the court could also proceed.

Clause 19 relates to the giving of evidence before an arbitrator or umpire. An arbitrator or umpire will be able to administer an oath or affirmation and take an affidavit.

The arbitrator or umpire is not, subject to the agreement providing otherwise, to be bound by the rules of evidence.

Clause 20 specifies the circumstances where a party may be represented in arbitration proceedings. Under subclause (1), legal representation is to be allowed if a party is a legal practitioner, all the parties agree, the amount or value of the claim exceeds a prescribed amount, or the arbitrator or umpire gives leave. Under subclause (2), other forms of representation are to be allowed where the representative is an officer, employee or agent of a body that is a party to the proceedings or where the arbitrator or umpire gives leave.

Clause 21 provides that, unless the parties agree to the contrary, there shall be continuity of proceedings when an umpire enters on the arbitration or where a new arbitrator or umpire is appointed.

Clause 22 provides that, unless the parties agree to the contrary, any question arising for determination in the course of proceedings shall be determined according to law.

Clause 23 provides for the making of interim awards.

Clause 24 allows for the making of an award ordering specific performance of a contract if the Supreme Court would have power to order specific performance of the contract.

Clause 25 provides that arbitration proceedings may be extended to include a further dispute between the same parties arising under the same agreement.

Clause 26 provides for the consolidation of arbitration proceedings.

Clause 27 vests an arbitrator or umpire with the power to order the parties to take action with a view to settling the dispute without proceeding to arbitration or to complete the arbitration.

Clause 28 provides that the award of an arbitrator or umpire is final and binding on the parties, unless the agreement expresses a contrary intention.

Clause 29 provides for awards to be made in writing and to include a statement of reasons for the making of the award.

Clause 30 allows the correction of an award in cases of error.

Clause 31 allows for an interest component to be included in an award. The rate of interest is to be determined by the arbitrator or umpire but cannot exceed the rate at which interest is payable on a judgment debt in the Supreme Court.

Clause 32 allows the arbitrator or umpire to direct that interest at the rate payable on a judgment debt in the Supreme Court be paid on any sum to be paid under the award.

Clause 33 provides for the enforcement of an award, by leave of the Court, in the same manner as a judgment or order of the Court.

Clause 34 provides that the costs of the arbitration are to be in the discretion of the arbitrator or umpire, unless the agreement expresses a contrary intention, and may be taxed or settled by the arbitrator or umpire, or taxed by the Court. Subclause (3) declares certain provisions in relation to costs to be void.

Clause 35 provides for the taxation of the arbitrator's or umpire's fees and expenses.

Clause 36 relates to costs where an arbitration fails.

Clause 37 imposes a duty on the parties not to cause any delay or to act to prevent an award being made.

Clause 38 relates to the judicial review of awards. An appeal is to lie to the Supreme Court on any question of law arising out of an award but a court shall not otherwise have jurisdiction to set aside or remit an award on the ground of error of fact or law on the face of the award.

Clause 39 empowers the Supreme Court, in certain circumstances, to determine any question of law arising in the course of the arbitration.

Clause 40 restricts the right of appeal where the parties have entered into an agreement restricting the right of appeal (an 'exclusion agreement').

Clause 41 restricts the circumstances when an exclusion agreement can be entered into.

Clause 42 empowers the Court to set aside an award where there has been misconduct on the part of the arbitrator or umpire or the award has been improperly procured.

Clause 43 provides for the remission of certain matters by the Court.

Clause 44 enables the Court to remove the arbitrator or umpire where it is satisfied that there has been misconduct or undue influence or where the arbitrator or umpire is incompetent or unsuitable to deal with the particular dispute.

Clause 45 provides that a party is not prevented from challenging the impartiality, suitability or competency of an arbitrator where the party appointed the arbitrator.

Clause 46 relates to delays in prosecuting claims.

Clause 47 empowers a Court to make interlocutory orders in relation to arbitration proceedings.

Clause 48 relates to the extension of time for doing any act or taking any proceeding in or in relation to an arbitration.

Clause 49 allows a court to make an order or give a direction on such terms and conditions as the court thinks just.

Clause 50 provides that, subject to the Act and any agreement to the contrary, the authority of an arbitrator or umpire is irrevocable.

Clause 51 protects an arbitrator or umpire from actions in negligence in respect of anything done or omitted to be done in the capacity of arbitrator or umpire.

Clause 52 provides that after the death of a party the agreement may be enforced by or against the personal representative of the deceased.

Clause 53 relates to the relationship between judicial and arbitral powers and provides for the stay of court proceedings in certain cases and the removal of arbitration proceedings into court in certain cases.

Clause 54 empowers a court to refer a matter to arbitration where relief is sought by way of interpleader and it appears to the court that the claims in question are claims to which an arbitration agreement applies.

Clause 55 relates to contractual provisions which provide that arbitration or the happening of an event in or in relation to arbitration is a condition precedent to the bringing or maintenance of legal proceedings or the establishing of a defence in legal proceedings. Such provisions are to be construed as agreements to refer the matter to arbitration.

Clause 56 specifies the methods that may be used to serve notices under the Act.

Clause 57 is a regulation-making provision.

The schedule provides for the repeal of the Arbitration Act 1891, and for consequential amendments to the Local and District Criminal Courts Act 1924, and the Supreme Court Act 1935.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

The arbitrator or umpire is not, subject to the agreement providing otherwise, to be bound by the rules of evidence.

Clause 20 specifies the circumstances where a party may be represented in arbitration proceedings. Under subclause (1), legal representation is to be allowed if a party is a legal practitioner, all the parties agree, the amount or value of the claim exceeds a prescribed amount, or the arbitrator or umpire gives leave. Under subclause (2), other forms of representation are to be allowed where the representative is an officer, employee or agent of a body that is a party to the proceedings or where the arbitrator or umpire gives leave.

Clause 21 provides that, unless the parties agree to the contrary, there shall be continuity of proceedings when an umpire enters on the arbitration or where a new arbitrator or umpire is appointed.

Clause 22 provides that, unless the parties agree to the contrary, any question arising for determination in the course of proceedings shall be determined according to law.

Clause 23 provides for the making of interim awards.

Clause 24 allows for the making of an award ordering specific performance of a contract if the Supreme Court would have power to order specific performance of the contract.

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Clause 30 allows the correction of an award in cases of error.

Clause 31 allows for an interest component to be included in an award. The rate of interest is to be determined by the arbitrator or umpire but cannot exceed the rate at which interest is payable on a judgment debt in the Supreme Court.

Clause 32 allows the arbitrator or umpire to direct that interest at the rate payable on a judgment debt in the Supreme Court be paid on any sum to be paid under the award.

Clause 33 provides for the enforcement of an award, by leave of the Court, in the same manner as a judgment or order of the Court.

Clause 34 provides that the costs of the arbitration are to be in the discretion of the arbitrator or umpire, unless the agreement expresses a contrary intention, and may be taxed or settled by the arbitrator or umpire, or taxed by the Court. Subclause (3) declares certain provisions in relation to costs to be void.

Clause 35 provides for the taxation of the arbitrator's or umpire's fees and expenses.

Clause 36 relates to costs where an arbitration fails.

Clause 37 imposes a duty on the parties not to cause any delay or to act to prevent an award being made.

Clause 38 relates to the judicial review of awards. An appeal is to lie to the Supreme Court on any question of law arising out of an award but a court shall not otherwise have jurisdiction to set aside or remit an award on the ground of error of fact or law on the face of the award.

Clause 39 empowers the Supreme Court, in certain circumstances, to determine any question of law arising in the course of the arbitration.

Clause 40 restricts the right of appeal where the parties have entered into an agreement restricting the right of appeal (an 'exclusion agreement').

Clause 41 restricts the circumstances when an exclusion agreement can be entered into.

Clause 42 empowers the Court to set aside an award where there has been misconduct on the part of the arbitrator or umpire or the award has been improperly procured.

Clause 43 provides for the remission of certain matters by the Court.

Clause 44 enables the Court to remove the arbitrator or umpire where it is satisfied that there has been misconduct or undue influence or where the arbitrator or umpire is incompetent or unsuitable to deal with the particular dispute.

Clause 45 provides that a party is not prevented from challenging the impartiality, suitability or competency of an arbitrator where the party appointed the arbitrator.

Clause 46 relates to delays in prosecuting claims.

Clause 47 empowers a Court to make interlocutory orders in relation to arbitration proceedings.

Clause 48 relates to the extension of time for doing any act or taking any proceeding in or in relation to an arbitration.

Clause 49 allows a court to make an order or give a direction on such terms and conditions as the court thinks just.

Clause 50 provides that, subject to the Act and any agreement to the contrary, the authority of an arbitrator or umpire is irrevocable.

Clause 51 protects an arbitrator or umpire from actions in negligence in respect of anything done or omitted to be done in the capacity of arbitrator or umpire.

Clause 52 provides that after the death of a party the agreement may be enforced by or against the personal representative of the deceased.

Clause 53 relates to the relationship between judicial and arbitral powers and provides for the stay of court proceedings in certain cases and the removal of arbitration proceedings into court in certain cases.

Clause 54 empowers a court to refer a matter to arbitration where relief is sought by way of interpleader and it appears to the court that the claims in question are claims to which an arbitration agreement applies.

Clause 55 relates to contractual provisions which provide that arbitration or the happening of an event in or in relation to arbitration is a condition precedent to the bringing or maintenance of legal proceedings or the establishing of a defence in legal proceedings. Such provisions are to be construed as agreements to refer the matter to arbitration.

Clause 56 specifies the methods that may be used to serve notices under the Act.

Clause 57 is a regulation-making provision.

The schedule provides for the repeal of the Arbitration Act 1891, and for consequential amendments to the Local and District Criminal Courts Act 1924, and the Supreme Court Act 1935.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

Clauses 1 and 2 are formal.

Clause 3 amends certain definitions appearing in section 6. The new definition of 'bank' is in the usual form and will complement the reference to financial institutions in new Part VIII. The new definition of 'date of settlement' is one of a number of amendments designed to remedy a problem relating to the determination of the cooling off periods under sections 88 and 91a. The cooling off period depends on the relationship between the service of statements under section 90 and 91 and the date of settlement. The new definition adopts the date fixed in the contract as the date of settlement. Where no date is fixed in the contract the cooling off period will extend (in the case of the sale of land) until settlement actually occurs. The definition of 'interest bearing trust security' is not longer required. The other definitions removed by paragraph *(c)* are replaced in modified form in new part VIII.

Clause 4 replaces section 38 with two new sections. The new sections rectify an anomally in the existing Act that requires an agent to employ a manager of each branch office but not of the registered office.

Clause 5 removes sections 42 and 43 of the principal Act. The substance of the sections will be provided by new section 67.

Clause 6 replaces part VIII of the principal Act. New section 62 is a definition provision. Section 63 requires trust money to be deposited with a bank or financial institution in an account that attracts interest at, or above, the prescribed rate. 'Trust money' is defined as money received by an agent in the course of business to which the agent is not entitled. 'Agent' is defined to be a land agent, land broker and any other person carrying on business of a prescribed class. The word 'agent' is defined in section 6 and the meaning of the word is extended by section 62. Section 64 sets out the circumstances in which an agent can withdraw money from his trust account. Section 65 provides that a bank or financial institution that holds trust money must pay the interest on the account directly to the Commissioner. Section 66 sets out the circumstances in which the Tribunal can appoint an administrator of a trust account. Section 67 requires an agent to keep proper records and section 68 requires him to have the account and records audited. Section 69 enables the Commissioner to appoint a person to examine the accounts and records of an agent or the audit program and working papers of an auditor. Section 70 gives an auditor and an examiner power to obtain information. Division III of the new Part deals with the Agent's Indemnity Fund. Section 75(3) sets out the money that constitutes the fund and subsection (4) sets out the manner in which the fund will be applied. Section 76 provides for claims against the fund. A claimant must apply to the tribunal to determine the amount of the claim. Section 76a allows the Commissioner to call for claims in respect of a particular fiduciary default. This will enable the Commissioner to assess whether the fund is sufficient to meet outstanding claims. Section 76b empowers the Tribunal to determine whether or not a claim is valid. Subsection (4) provides for an appeal to the Supreme Court against the Tribunal's decision. Section 76c provides for the Commissioner to be subrogated to the rights of a claimant. Section 76d provides for claims by agents who are innocent of any wrongdoing or fault but who have paid compensation in respect of a fiduciary default committed by a partner or employee of the agent. Section 76e provides for insurance of the fund. Section 76f provides for pro-rata reduction in payments where the fund cannot meet all claims.

Clause 7 amends section 85 to provide that fines imposed by the Tribunal under that section be paid to the Commissioner for the credit of the Agent's Indemnity Fund.

Clause 8 makes it clear that disciplinary action should not be taken against an agent in respect of the default of his employee or other person acting on his behalf if the agent is blameless.

Clause 9 amends section 88 of the principal Act in relation to the existing uncertainty as to the extent of cooling off periods. Under paragraph *(b)* of the definition of 'the prescribed time' in section 88 (5) the cooling off period is 2 days if the section 90 statements are served at least 10 days before settlement. If the statements are served less than 10 days before settlement the cooling off period extends up to settlement. The problem is that when the statements are served it is not possible to be certain when settlement will take place. The amendment therefore confines paragraph *(b)* to contracts that fix a date of settlement. In the case of contracts that do not fix a date for settlement the cooling off period will apply up to the time of settlement.

Clause 10 amends section 90 to require information as to insurance by builders under the Builders Licensing Act, 1967.

Clause 11 extends the period in which statements may be made to 1 month before the signing of the contract.

Clause 12 amends section 91a of the principal Act.

Clauses 13 and 14 make consequential amendments.

Clause 15 inserts a schedule of transitional provisions at the end of the Act. These provisions replace those of section 5 that are still relevant. Clauses 11, 12 and 13 of the schedule add provisions in relation to the transition to new part VIII.

The schedule sets out amendments to the principal Act for the purpose of statute law revision. A reprint of the Act will be available after this Bill has been passed.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

TOBACCO PRODUCTS CONTROL BILL

In Committee.

(Continued from 25 September. Page 1215.)

Clause 2—'Commencement.'

The Hon. M.B. CAMERON: Before we start debating amendments I want to ask the Minister whether he will consider adjourning this whole matter for a further week and report progress. He will look startled and wonder why this is the case. When I left home this morning and drove through a shower of Foster's flags. I thought to myself, 'What Bills will we have in the Council to deal with?' Lo and behold, we have a Bill to control tobacco advertising.

I thought to myself that this is a little bit of a problem, and that we are a bit hypocritical in the Parliament if we are setting about restricting advertising of one particular product which does have health effects—everyone admits that—but at the same time allowing all over this fair city of ours a shower of flags promoting another product that also has serious health effects.

The Hon. Carolyn Pickles interjecting:

The Hon. M.B. CAMERON: I have no opposition at all to the Grand Prix. What I am a little bemused about is that we will be sitting here at great length debating a Bill to restrict advertising of a product which is deleterious to health, at the same time as we are waiting with bated breath for this other one to happen. I think that the Government

is, quite frankly, utterly hypocritical to be moving in this direction when it is allowing the greatest spread of liquor advertising ever seen in this city. I am not anti the Grand Prix: the Hon. Ms Pickles can say exactly what she likes.

The Hon. Carolyn Pickles interjecting:

The Hon. M.B. CAMERON: Not at all. In fact, I am a drinker. I freely admit that I am a drinker and a non-smoker so, if anything, I should be going the opposite way. I admit to my one minor weakness, and I am a non-smoker, so I should be doing exactly the opposite of what I am saying.

I find it amusing, particularly as in the later stages of this Committee debate we will be setting about banning smoking in taxis. We are going to send police all over this city peering into the backs of cabs looking for the hidden smoker while, at the same time—as members know from questions I have asked and things I have promoted—not allowing enough police resources to be used for random breath testing, which, quite frankly, I think has a greater effect on the general population, because at least smoking, in most cases, affects only the person doing it. I just find it amazing.

I am staggered that we will sit here debating this issue in the middle of a week when there is going to be the greatest liquor advertising in the history of the State—and no one who has been around the city can say anything else. The least we can do to hide our hypocrisy is to put off the debate for a week, so I ask the Minister whether he would not mind doing that.

The Hon. J.R. CORNWALL: We really have the stuntmen in full flight today. I hope that the Hon. Mr Cameron got all that down on a piece of paper in 16 paragraphs so that he can hand it to the gallery. It is a third rate stunt. He knows very well that the Bill has been canvassed publicly for months, and that it was introduced into this Chamber almost two months ago. In fact, it was introduced the day before the Premier and Treasurer introduced the budget: it has been around for a long time.

This Council was up for three weeks for the Show and the Budget Estimate Committees, so everybody (and I mean everybody) has had not only weeks but months to reflect on the matters in the Bill. As a result, there have been a number of very sensible amendments. However, the Hon. Mr Cameron and his colleagues were determined that it should lay on the table for another three weeks. That is okay by me, particularly as I could not get anybody to express any great interest in sitting on the last Thursday night before we got up in this Council for a three week adjournment.

I think the time has come, and we will proceed tonight, I hope, through the Committee stages and third reading of this Bill, and we will send it, if we are in any way responsible legislators, for consideration by the House of Assembly. I am totally unattracted by Mr Cameron's opposition, and I am less than impressed by his performance as a stuntman in this place, and in the public arena generally. My view, which is supported by all my colleagues, is that we should get on with the business of the Tobacco Products Control Bill through the Committee stages this very evening.

The Hon. M.B. CAMERON: Let me assure the Minister that it is not a stunt. If I do any stunts publicly, it is because I have learnt them from him, as he was the daddy of them all in his day as shadow Minister. I have never seen anything like him. Anyway, that is beside the point and away from the subject under discussion. The Minister was quite out of order in raising it.

The Minister indicated that this matter has been canvassed publicly for months. He will hear in Committee how much he canvassed the Bill, particularly in relation to the taxi industry, where, quite frankly, he did not tell the truth publicly. I will say something about that when we are debating that clause.

The CHAIRPERSON: Perhaps the honourable member could leave it until then. I think that we are discussing clause 2 of the Bill at the moment.

The Hon. J.R. CORNWALL: If I may take a point of order, I consider the remark made by the Hon. Mr Cameron to be an injurious reflection. The allegation was that I did not tell the truth. That is quite unparliamentary, in my submission. Let the honourable member go outside and say that, and I will deal with him.

Members interjecting:

The CHAIRPERSON: Order!

The Hon. M.B. CAMERON: The Minister is in good form. Just to clear this matter up, I do not retract in any way what I said. I will quote what the Minister said in a press release.

The CHAIRPERSON: Order! The Minister has requested that the honourable member withdraw the injurious remarks that he made. I ask the honourable member to withdraw those remarks.

The Hon. M.B. CAMERON: It is very difficult to withdraw something that is the truth. I have proof here, if you would like to read it before you ask that I retract, Madam Chairman.

The CHAIRPERSON: Order! I am not a Chairman.

The Hon. C.M. Hill: Careful on this one; it is a very sensitive issue.

The Hon. M.B. CAMERON: I understand that. Madam Chair, this is a very important point. The fact of the matter is that the Minister did not tell the truth publicly, unless he likes to indicate to me that that press release was wrong. If it was wrong, he should say so.

The CHAIRPERSON: The Minister has asked that the injurious reflection be withdrawn.

The Hon. M.B. CAMERON: I will withdraw that and say that the press release by the Minister was incorrect and that he did not give the true facts to the public.

The CHAIRPERSON: The honourable member withdraws the remark that he made?

The Hon. M.B. CAMERON: Yes. We put it back in the same way.

The Hon. R.I. Lucas: That is unparliamentary, is it?

The CHAIRPERSON: Injurious reflections are contrary to Standing Orders, Mr Lucas.

The Hon. L.H. Davis: I didn't hear it. What was the injurious reflection?

The CHAIRPERSON: I suggest that the honourable member read *Hansard* tomorrow, as it is not my business to keep the Hon. Mr Davis up to date when he does not listen to the proceedings. Let us return to clause 2, to which there are two amendments on file, one by the Hon. Mr Cameron and the other by the Hon. Mr Lucas. Would either of those gentlemen care to move his amendment?

The Hon. R.I. LUCAS: I move:

Page 1, after line 17—Insert subclause as follows:

(3) The Governor shall not fix a day for section 7 to come into operation unless the Governor is satisfied that legislation similar in effect to section 7 has come into operation, or is likely to come into operation, in the Australian Capital Territory and at least three States of the Commonwealth apart from this State.

Members will be aware that section 7 relates to advertisements for tobacco products and could not only cover the general nature—

Members interjecting:

The Hon. R.I. LUCAS: The Minister cannot go back on what he said publicly. He has already got himself publicity by saying that he supports mine.

An honourable member: Was that a stunt?

The Hon. R.I. LUCAS: Was that a stunt, too? The Minister does not know where he is; that is the problem. He does not know where he is at the moment between the two amendments. He has said publicly that he supports this amendment, and made himself a big boy out of it. Now what is he doing—going backwards?

The Hon. J.R. Cornwall: Get on with it, boy. Why don't you grow up?

The Hon. R.I. LUCAS: You really are a worry.

The CHAIRPERSON: Order!

The Hon. R.I. LUCAS: Roll over John is doing it again.

The CHAIRPERSON: Order! Let us return to the clause.

The Hon. R.I. LUCAS: Thank you very much, Ms Chair; he is definitely out of order. Section 7 refers to the advertisements for tobacco products. This has been the subject of much debate with various interest groups, including tobacco companies, in relation to the possibility of restrictions that might be placed not only on what we understand to be advertisements but also on sponsorship, whether it be of the Grand Prix, opera, theatre or assorted other activities that tobacco companies sponsor during the normal course of their public and corporate relations.

My amendment should, if one could rely on the Minister's memory, prick his conscience. I will quote from an amendment which the Minister moved to the Tobacco Industry Advertising (Prohibition) Bill in this Chamber and which was supported by the Minister and the Government in relation to a Bill introduced by the once great Democrat, the Hon. Lance Milne. The amendment moved by the Minister to that Bill, and his major justification for supporting the passage of the Democrat Bill to prohibit tobacco advertising, was in effect exactly the same amendment as the one that I am moving here this evening, as follows:

> The Governor shall not make a proclamation under subsection (1) unless he is satisfied:
>
> *(a)* that legislation similar in effect to this Act has come into operation or is likely to come into operation in the Australian Capital Territory and at least three other States of the Commonwealth; and
>
> *(b)* that the publication by way of radio and television of advertisements of a similar kind to those referred to in section 4 (4) is prohibited under the law of the Commonwealth.

That is the amendment that was moved on another occasion by the Minister. On that occasion, knowing full well that none of his colleagues would take up the matter in the other place but nonetheless to keep himself sweet with the anti-tobacco lobby, the health lobby, he was prepared to support the Milne Bill in this Chamber with an amendment. The argument that the Hon. Dr Cornwall put to this place was that he could support the measure if the amendment referred to was instituted because he said that we could not go off by ourselves in South Australia, being only a small part of the Commonwealth, and enact legislation in relation to prohibition of tobacco advertising, acting quite contrary to what was being done throughout the rest of the nation. That was his explanation to honourable members on that occasion. He said that before he could support the measure, in effect, it would need to be part of almost a national move to prohibit tobacco advertising. Thus, we had the Cornwall amendment, which provided that three States and the Australian Capital Territory—(in effect, the Commonwealth, so it was three States and the Commonwealth) must be involved. That was the amendment moved by Dr Cornwall.

The Hon. J.R. Cornwall: There is a big difference between the Australian Capital Territory and the Commonwealth—even you ought to know that.

The Hon. R.I. LUCAS: That was the amendment moved by Dr Cornwall just two years ago. Even the Minister's defective memory should be sufficient to enable him to recall that he moved that amendment and that that was his justification for doing so. If the Minister wants to prolong consideration of this clause, I shall refer further to the explanation that the Minister gave on that occasion for this amendment.

So, in effect, what I am moving is the Cornwall amendment. It is an attempt to keep the Minister and the Government, at least on this issue, a little bit consistent with what has occurred in the past. Of course, in his original Bill introduced in this Chamber the Minister tried not to have any provisions like this, or the one that was originally moved or perhaps may still be moved by the Hon. Mr Cameron. There was no provision at all in that regard from the Minister. The Minister wants us to take him at his word; he says, 'Give me the Bill and I really will not proclaim this until some far distant time in the future when everyone will be quite happy with this provision.'

Without wishing to cast an injurious reflection on the Minister, Ms Chair, not too many members in this Chamber would be prepared to take the Minister at his word on that matter or perhaps on very many other matters. However, I am very aware, Ms Chair, that I am not able to cast an injurious reflection on the Minister, so I will not dare trespass onto forbidden ground.

So, the Minister tried to sneak into this Chamber this Bill without any coverall or without any safeguard—such as the very safeguard that he provided in his terms in relation to his amendment to the Milne Bill in 1983. As I have said, the Minister tried to sneak this provision through but he has been caught out.

In speaking to my amendment to clause 2, I indicate, first, as I have said already, that it is consistent with the amendment moved previously by the Minister on behalf of the Government and, secondly, I believe that it is a stronger and tougher provision than the amendment originally intended to be moved by my more moderate and learned colleague, the Hon. Mr Cameron. The Hon. Mr Cameron's amendment was to be that legislation similar to section 7 has been enacted in relation to three States or Territories of the Commonwealth.

With that amendment, it could well be that the Australian Capital Territory and the Northern Territory, plus some outpost like Western Australia, could pass similar legislation, and that would enable the Hon. Dr Cornwall to enact this provision in South Australia. I do not know what the exact figures are, but perhaps less than 10 per cent or 15 per cent of the population in Australia would be covered by similar legislation. However, none of the major States, in particular, New South Wales, Victoria and Queensland, would be covered by this legislation, and yet the Hon. Dr Cornwall would be able to enact his legislation. Certainly that was an improvement, and a far greater improvement, on the original provision in the Bill which did not require any such protection or safeguard to ensure that the Minister was consistent with what he said two or three years ago in this Chamber.

The last point that I would like to make is that when I put this amendment on file at the end of our last sittings, some three weeks ago, the Hon. Mr Cornwall went to the press (I do not know whether he issued a press release or what), and an impressive story appeared in the daily newspapers in South Australia about how reasonable the good Mr Cornwall was being and that he was prepared to compromise on this issue and accept the amendment. I look

forward with interest to hearing the good Minister's explanation for that attitude towards this matter.

The Hon. C.M. Hill: The arts people accepted his statement.

The Hon. R.I. LUCAS: The arts people may have well accepted the Minister's statement but, as I indicated earlier, people do that with some fear and trepidation, I suspect, until they see something in writing and something that actually goes through the Parliament. So, I do not think that the Minister can now have it both ways—having made the good fellow of himself through the daily press as having been prepared to compromise and accept the amendment that I have moved here this evening, while now trying to wriggle out of that stance and to adopt a position which is not consistent with what the Minister moved in this Chamber only two or three years ago. So, with those few brief words I ask the Committee to support the amendment.

The Hon. M.J. ELLIOTT: I have some difficulty with this amendment, because, as the Hon. Mr Lucas has said, it is a very strong one. It is strong in so far as it makes it extremely difficult for this provision to ever be enacted. The Bill is in fact a very weak Bill in some regards, particularly in relation to advertising, and it goes nowhere near far enough. I would like to quote a few figures here which I think suggest, at least to me, why the Government has been a little slow in tackling the matter of advertising.

The Government has made a great deal about anti-smoking campaigns, yet in 1982-83 it spent only $151 000; in 1983-84, about $366 000; in 1984-85, $32 000; and in 1985-86, $46 000. However, at the same time the Government collected licence fees in the following amounts: $16 million in 1982-83, $29 million in 1983-84, $38 million in 1984-85 and, I guess, something like $45 million in 1985-86. I do not have the exact figure for that.

The Government has certainly been getting a great deal of revenue from tobacco and it has shown a distinct lack of willingness to spend what I would consider as being a sufficient amount of money on anti-smoking campaigns. This has been a much proclaimed Bill to right some wrongs, but the most important area that needs to be tackled is advertising. I do not think that that area has really been tackled significantly in this Bill.

The one clause that offers any hope at all in that direction may now be amended and render the provision almost impossible in providing that the provision must be instituted by at least three other States and the Commonwealth as well. Just to show how impossible it is, frankly, I do not really think that Tasmania or Queensland would be likely to enact such legislation for the next thousand years, and that leaves only three other States.

The tobacco lobby is extremely effective and is willing to spend a great deal of money. Having seen how some Ministers in other States already have performed back somersaults on agreements that they have made about warnings on cigarette packets, I would be very sceptical about the chances of getting three other States and the Commonwealth to enact similar legislation. In fact, it makes it impossible, and I am sure that the Hon. Mr Lucas would be aware of that. For that reason I cannot support the proposed amendments, although I might give some consideration to the amendment proposed by the Hon. Mr Cameron.

The Hon. J.R. CORNWALL: As all members are aware, I am very grateful for the support that I have received from the Democrats on this matter, and particularly from the Hon. Mr Elliott. I think it is only fair that I should consider myself to be in his hands. There are two amendments on file, one from the Hon. Professor Lucas and the other from the Hon. Mr Cameron.

The Hon. R.I. Lucas: I take exception to that.

The Hon. J.R. CORNWALL: You get your titles right and I will get mine right.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: No, it is not.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: That may well be. I have been entitled to the courtesy title of 'Dr' since 1966, when the Veterinary Surgeons Act was so amended. I do no more and no less than all my colleagues in the veterinary profession in adopting that title. If Mr Lucas, Professor Lucas, or whatever he wants to be called, wants to, by inference, denigrate the veterinary profession, so be it. Let him say whether or not he wants to denigrate my profession at large. If he does not wish to use the courtesy title of 'Dr' which I am entitled to use as a member of my profession and, if he wishes to reflect on the veterinary profession at large, so be it, because that is what he is doing.

The Hon. R.I. Lucas: You're very sensitive.

The Hon. J.R. CORNWALL: No, I am not sensitive at all. It does not matter a damn whether you call me 'Mr', 'John', 'Dr' or almost anything else within reason.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: It is not. I am a little old for that now. It is not—and never has been—a matter of concern to me. When the Bill was introduced some 20 years ago, I said that I was completely indifferent as to whether or not the profession adopted the courtesy title of 'Dr', but at that time the majority of people in the profession were of the opinion that we should do so, and I have therefore used the courtesy title ever since. If anybody feels strongly enough about it, so be it, but remember that one cannot have it both ways. One either accepts the law in South Australia which allows the use *bona fide* of the courtesy title, or one does not. One either accepts that all members of the profession who wish to use the courtesy title can do so, or one does not.

In relation to what some people think is dishonesty on the part of the Opposition in some of its phraseology, I have pointed out before in this Chamber that whenever Professor Lucas or any of his friends refer to Government Bills, they refer to 'the Minister's Bill', or 'the Minister's proposition'. Whenever a press statement is released from Parliament House concerning the Hon. Carolyn Pickles' private member's Bill to decriminalise prostitution, members of the Opposition deliberately, quite dishonestly and persistently refer to it as 'the Government's Prostitution Bill'. That is a fact, and members opposite have been picked up on it—

The Hon. R.I. Lucas: By whom?

The Hon. J.R. CORNWALL: —by a very experienced and sensible journalist. The fact is that when it goes out to the electronic media—journalists who are not experienced in parliamentary or political rounds—the Opposition's dishonesty is broadcast. They know that they are using it as a ploy: they persistently refer to it as 'the Government Bill', so do not let us have this cant and hypocrisy about crossing t's and dotting i's. Members opposite are con men of the worst order, and they are dishonest.

The Hon. M.B. CAMERON: On a point of order, I think that the Minister should withdraw that remark about the Opposition and apologise.

The CHAIRPERSON: I suggest that the Minister perhaps withdraw the accusation of dishonesty.

The Hon. J.R. CORNWALL: I am prepared in the interests of—

The Hon. L.H. Davis: Truth.

The Hon. J.R. CORNWALL: —No, I always speak the truth with a loud voice. In the interests of preserving decorum in this Chamber, I would certainly do as you request, Ms Chair. As I said, we prefer the amendment on file by the Hon. Mr Cameron and, indeed, if the Hon. Mr Cameron does not persist with his amendment, then I am happy for Mr Elliott to move an identical amendment and I indicate—

The Hon. R.I. Lucas: Why don't you say publicly that you support it?

The Hon. J. R. CORNWALL: I said publicly at the time that we would support the general thrust of Mr Lucas's amendment, which at that time, following a quick reading, I believed would not proclaim clause 7 until three other States and the Commonwealth—

The Hon. R.I. Lucas: That is what you said.

The Hon. J.R. CORNWALL: Yes, that is not what your amendment says.

The Hon. R.I. Lucas: That is even tougher than mine.

The Hon. J.R. CORNWALL: If you accept it, I will accept the Commonwealth.

The Hon. R.I. Lucas: As well?

The Hon. J.R. CORNWALL: No, three States or Territories and the Commonwealth.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: Silly fellow. You are a practising clown, Mr Davis, which statement I withdraw and apologise for immediately.

An honourable member interjecting:

The Hon. J.R. CORNWALL: No, he is not practising—that is one area that he has perfected, and he is very good at it. The Chairperson probably agrees with me privately, but when she is in the Chair she has to be impartial. I am perfectly happy to accept an amendment which mentions three States and the Commonwealth, but not three States and the Australian Capital Territory, and I will explain why. In relation to sponsorship (and if Mr Lucas is genuine he would be concerned about this), we have to ensure that the Australian Broadcasting Tribunal—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: There is no point in the States going one out if the Commonwealth does not move to amend its legislation as it would cover television; so in that sense the Australian Capital Territory is very small beer, but the Commonwealth is very important. The Hon. Mr Elliott raised a very important point when he talked about the revenue which Governments receive from tobacco franchise and tobacco taxes. It is perfectly true that this Government this financial year will, we hope, derive about $40 million from the tobacco franchise. I estimate that the amount of sponsorship that will be available to sporting and arts bodies in this State in that same financial year will be about $1.5 million, so sponsorship is in fact small beer.

If we could be assured of collecting an increase of, say, from 25 to 27 or 28 per cent, then of course we could cover that total $1.5 million in sponsorship and we could in fact replace it. We could say, 'Take your sponsorship and go home. We'll give the South Australian Cricket Association so many hundreds of thousands of dollars, and we'll give the SAJC so many hundreds of thousands of dollars.'

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: Yes, we could easily raise $1.5 million by a marginal increase in the tobacco franchise. The big problem is that one has conservative Governments (and Queensland is the problem) which have no tobacco franchise at all, and bootlegging is becoming a major problem. That is at the heart of things. It is perfectly true that we would hope for something in excess of $40 million this year. It is perfectly true that all State Governments have come to rely to a very significant degree on a large amount of money that is collected from tobacco franchise.

Indeed, that is one of the real dilemmas of the 1980s. It is one of the real dilemmas for members of Government like myself who see ourselves as having not only a right but a duty to pursue anti-tobacco policies—and I think that should be on the record. If Mr Lucas—and I have reverted to calling him by his normal and correct title, having made my point on behalf of the veterinary profession—is prepared to amend his amendment to read 'three States and the Commonwealth', I would be perfectly happy to accept it.

The Hon. R.I. LUCAS: I seek advice from the Minister. I had this discussion with Parliamentary Counsel when I had the amendment drafted three or four weeks ago. I would like them to draft the amendment to bring it in line with what we are talking about.

The Hon. J.R. CORNWALL: The advice of Parliamentary Counsel is that the safest thing to do by far, if we want to have an amendment that works, is to accept Mr Cameron's amendment, which is on file. It may well be that I am relying on Mr Elliott, as I was in the first instance.

The Hon. R.I. LUCAS: What does the Minister mean by the safest thing? He just undertook five minutes ago to support 'three States and the Commonwealth'. Mr Cameron's amendment is quite different and says 'three States or Territories and the Commonwealth'. I am happy to sit down with Parliamentary Counsel and redraft it.

The Hon. J.R. CORNWALL: The advice from Parliamentary Counsel is that it ought to stay similar to clause 7 and confine, it if it is to be effective to the print media. Of course, the Commonwealth cannot legislate in matters regarding the print media, and it confuses the issue substantially.

The Hon. R.I. LUCAS: When I had the discussion three weeks ago with Parliamentary Counsel I asked that we have 'three States and the Commonwealth', and my advice—and I am no lawyer—was that it was to be drafted in similar terms to the Hon. Dr Cornwall's amendment from three years ago. That is why it was drafted in that way. I asked why we did not have to include paragraph *(b)*, which was in the original amendment, and I was told for some legal reason which escapes me that we did not require that part of Mr Cornwall's amendment from three years ago.

Parliamentary Counsel informed me that my amendment in this form was consistent with the amendment moved by the Minister three years ago, and that was the intention of my amendment. Five minutes ago the Minister indicated that he was prepared to accept an amendment which said 'three States and the Commonwealth'. If he is prepared to defer consideration of this clause I will have further discussions with his advisers and Parliamentary Counsel to ensure that either this amendment or something else matches the Minister's commitment, which is 'three States and the Commonwealth', and not 'three States or Territories and the Commonwealth'.

The Hon. J.R. CORNWALL: We do not need to defer it. I can explain the whole thing very simply. Obviously, Mr Lucas was looking for something which would refer to three States and the Commonwealth. Just as obviously, Parliamentary Counsel realised that because we were talking about something which had to be similar to clause 7 it had to confine itself to the print media—to newspapers, journals and so forth. The Commonwealth has no jurisdiction in that matter. Obviously, the Australian Capital Territory is mistress of its own destiny in that matter just as the States are. To be consistent and helpful, Parliamentary Counsel

has included 'three States and the ACT', which is vastly different from 'three States and the Commonwealth'.

I perhaps received bad advice last time, but I suspect that we were referring to a clause that was rather different, and in that context the Commonwealth was used to refer to the Broadcasting Control Board. In this context it is referring to at least three other States, so you would be looking for three States plus South Australia—four States in all—and the Commonwealth with regard to the print media but not with regard to television. My advice is simply that it is not only much better from the legal point of view but it is the only really workable proposition that—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: No, Mr Cameron has three States—that is, three States plus South Australia—and it is clearly four out of six States. That is a very clear majority.

The Hon. R.I. Lucas: Mr Cameron has 'three States or Territories', and that is quite different.

The Hon. J.R. CORNWALL: Three States will do.

The Hon. R.I. Lucas: I moved 'three States and the ACT', which is as consistent with your amendment as we can get it.

The Hon. J.R. CORNWALL: The ACT in that sense is a bit mickey mouse, with great respect. Let us stick to the States for a moment and leave the Northern Territory and the ACT out of it. The proposition I would want to accept that is three States in addition to South Australia have either proclaimed similar legislation to clause 7, which refers to the print media, or have passed it and are likely to proclaim it in the immediate future.

The Hon. M.B. CAMERON: I am becoming convinced that the Minister is right about the Commonwealth being involved because of the print media. I remember the Minister coming in here and proudly announcing that the Medical Writers Association had moved a motion to ban all advertising.

It was interesting to be at that meeting. I think the Hon. Ms Pickles was almost rude when she said that I should have been there because, in fact, I was there and I stayed on. It was quite interesting to hear the Medical Writers Association question Dr Blewett about this matter. Dr Blewett was asked whether he agreed that there should be a ban on all advertising in the media. He said, 'No. If it is legal to sell a product, it should be legal to advertise it in the print media.' The next question was then rather obviously, 'Would you allow it to be also advertised on television and radio?' Dr Blewett replied, 'No, that is different.' It was quite an interesting interchange and one that I found somewhat hard to understand.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Yes, I think he got himself into something of a bind. However, it was quite interesting. I sat here listening to the State Minister of Health and thinking that before he became involved in a discussion on this matter it would have been wise for him to listen to his Federal counterpart get into real trouble. I think the Hon. Mr Lucas has now received advice.

The Hon. R.I. LUCAS: Three weeks ago when I spoke to Parliamentary Counsel, who is more learned in these matters than I, my intention was to provide for three States and the Commonwealth. I have just had a quick consultation with Parliamentary Counsel and I am advised that the Commonwealth must pass laws in this respect for the Australian Capital Territory so, as the Minister did two or three years ago (because this is a direct mirror of the Minister's amendment), I moved in exactly the same terms. What I am saying is exactly the same as the Minister said three years ago: there would be three States and the Commonwealth but, because of the reason given by the Minister two or three minutes ago, we put in the Australian Capital Territory in effect as the *de facto* Commonwealth. The Commonwealth must pass the law, so, there would be the intention from the Commonwealth to move in this direction and pass the law on behalf of the Australian Capital Territory. That is the explanation from Parliamentary Counsel and that matches what I asked Parliamentary Counsel three weeks ago. It matches what the Minister did three years ago and it matches the explanation given by the Minister at that time.

I refer to an article in the *News* (which refers to the Minister as 'Mr Cornwall') headed 'SA Backs off in tobacco ads clash'. The article, dated 26 September this year, is written by Geoff de Luca and states in part:

> The State Government has watered down its controversial tobacco legislation to remove the immediate threat to sponsorship.
>
> The Health Minister, Mr Cornwall, said today he had accepted an amendment to clause 7 of the Tobacco Products Control Bill, which would give the Government power to prescribe health warnings in tobacco advertising.

Following that there is a direct quote from the Minister of Health, as follows:

> The amendment will be inserted to ensure we cannot proclaim this clause until three other States and the Commonwealth pass similar legislation.

That is a direct quote attributed to the Minister. There is no 'three States or Territories', and there is no compunction about talking about the Commonwealth passing legislation at all. That is a direct quote from the Minister of Health, who is in charge of this Bill. That is exactly what I am seeking to do with my amendment, and it is exactly what the Minister sought to do in this Chamber three years ago.

On advice from Parliamentary Counsel, the Australian Capital Territory is in effect, *de facto*, the Commonwealth. That is just a further indication of the Minister's attitude to this clause, which indicates from what he said only three weeks ago that he accepts—and he has publicly indicated this—the amendment that I have moved, that is, three States and the Commonwealth. For the Minister to be consistent, we look forward to him supporting this amendment.

The Hon. J.R. CORNWALL: It was never my intention in any way to be duplicious in this matter. I was seeking the best legal advice available from Parliamentary Counsel and from my own legal advisers in the health area. My concern was that we should emcompass within the proposed amendment to clause 7 something that was sensible and workable. I have had to clarify that the ACT in the matter of print media is *de facto*, or, in practice, the Commonwealth. I have learnt that the ACT does not have its own Legislature as such.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: No, its legislation is, in effect, Commonwealth legislation, according to my advice. I wanted to clarify that point and, further, that it does apply, for the purposes of this proposed legislation, to the print media. In those circumstances, on my advice (and I say this for the Hon. Mr Elliott's consideration), the amendment is entirely workable. There was never any intention on my part to back off, as it were (having given a public commitment to a significant amendment to clause 7), to try somehow or other to water it down in any way. It was a public undertaking given in good faith and with the full backing and support of the Premier and Cabinet. So there was never any intention to back off.

I simply wanted to ensure that we had something that was as simple as possible and as workable as possible. Having conferred further with Parliamentary Counsel and

with my own legal adviser, I do not have any trouble accepting the Lucas amendment.

The Hon. M.J. ELLIOTT: I am extremely concerned to hear the Minister say that he finds the amendment acceptable because, in the real world, we know that only two States other than South Australia are likely at this stage to pass similar legislation, namely, Victoria and Western Australia. New South Wales, with a Labor Government hanging on by the skin of its teeth, would not have the intestinal fortitude to take on such matters. So, the purveyors of death will be able to continue to advertise their products, without giving appropriate warnings.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: I treat it in the same way as marijuana. It is highly offensive, but the product itself does not necessarily have to be withdrawn.

Members interjecting:

The CHAIRPERSON: Order!

The Hon. L.H. Davis: Are you going to introduce a private member's Bill to ban advertising of alcohol?

The Hon. M.J. ELLIOTT: Mr Cameron is introducing that Bill, I gather. I am extremely fearful because, although the Government started off with a clause that offered great hope of us moving in the right direction, the amendment that is likely to be accepted will mean that in fact that clause need not have been there in the first place and so is totally meaningless.

Amendment carried; clause as amended passed.

Clause 3—'Interpretation.'

The Hon. R.I. LUCAS: When one looks back at the Milne Bill of three years ago one sees that it contained a long definition of the word 'advertisement' as follows:

'advertisement' means any notice, circular, pamphlet, brochure, program, price-list or other document, or any package, and includes any announcement, notification or intimation to the public or to any person made—

(a) orally or in writing;
(b) by means of any banner, poster, placard, notice or document affixed to or posted up or displayed on any wall, window, fence, billboard, hoarding, vehicle or any other object;
(c) by any means of producing or transmitting sound or light and whether for aural or visual reception of both;
or
(d) in any other manner whatsoever;

Why has the Minister not included not necessarily that definition of 'advertisement' but or any other definition of 'advertisement' within the Bill? Clause 7 provides:

Subject to subsection (3), a person shall not publish, or cause to be published, an advertisement for a tobacco product unless the advertisement incorporates, or appears in conjunction with, a health warning.

Clearly, whatever is understood by 'advertisement' is an important part of the Government Bill as it was of the Milne Bill three years ago. Why do we not have a definition of 'advertisement' in the Bill? As there is to be no definition of 'advertisement', how does the Minister and his advisers or perhaps future Ministers and their advisers interpret the word 'advertisement' if and when we come to enact clause 7?

The Hon. J.R. CORNWALL: The Hon. Mr Lucas almost got to the explanation he was seeking. Clause 7 (3) provides:

The Governor may, by regulation, exclude a class of advertisements from the operation of this section.

It is significantly better drafting. It is better for the tobacco companies specifically to know what is excluded, so it introduces more certitude. Rather than try to put up a whole range within that catch-all which was within the original Lance Milne legislation, the advice I have is it is more elegant, simpler and in practice more effective to go about it as we propose to do in clause 7 (3).

The Hon. L.H. DAVIS: The definition of 'tobacco products' in clause 3 refers to, 'tobacco, cigarettes, cigars and all other products the main ingredient of which is tobacco and which are designed for human consumption.' I refer specifically to the definition including cigars. Bearing that definition of 'tobacco products' in mind, clause 6 provides:

Notwithstanding any other provision of this Act—
(a) cigars may be sold by retail without packing;
(b) a package in which no more than one cigar is packed need not display a health warning.

That would suggest that there is some inconsistency. I am interested to know why tobacco products include cigars, because that opens up cigars to the restrictions imposed on advertising under clause 4. Why are cigars included in the definition of tobacco products, given the fact that, as far as I am aware, studies have shown no correlation between ill-health and cigar smoking? Does the Minister agree that there would seem to be some inconsistency between clauses 3 and 6?

The Hon. J.R. CORNWALL: It is one of the great myths of our time that there is no relationship between cigar smoking and lung cancer, emphysema, cardiovascular disease and all the other related disorders. Cigars are a tobacco product and, when they are smoked, tobacco is smoked. The fact that in practice many cigar smokers do not inhale to some extent may protect them a little more than the person who smokes 30 or 40 cigarettes a day and inhales—does the draw-back—on every puff that he has of a cigarette. There is no question that cigars are tobacco products. If one smokes cigars and inhales the smoke into the lungs, one will get all the problems related to cigarette smoking.

The second point of having cigars defined within tobacco products in clause 3 is that we do not want them to be available for sale to children. If they were not in clause 3, my advice is that would be the effect. The third point is with regard specifically to advertising and rotating labels. I have an amendment to clause 6 on file which ensures that individual cigars will not have to be subject to the rotating labels or packets.

The Hon. L.H. DAVIS: Have any other States included cigars in the catch-all provisions which limit advertising on tobacco products? Would South Australia be standing alone in its attempt to restrict sales of cigars, given that there is special provision in clause 6 relating to sales of single cigars?

The Hon. J.R. CORNWALL: In other States there is prohibition on the sale of cigars to children. I would have thought that that was not exactly a radical move. Victoria has already moved towards the necessary regulations for rotating labels and has specifically excluded cigars. It is as a result of the action taken by Victoria that we are doing what is proposed in the Bill and the amendment that is on file.

The Hon. M.B. CAMERON: I might assist the Minister a little, and that will surprise him. I sought advice on this matter, because I also wanted to omit cigars from the definition of 'tobacco products'. It was not until it was pointed out to me that, if we do that, because cigars are a tobacco product, we will end up with a situation where cigars cannot be smoked in lifts and other places, that I reconsidered the situation. I do not like people smoking cigars in confined spaces, regardless of their effect: it is very difficult to cope with that. If we leave cigars as a tobacco product, the Minister's later amendment could allow that warning labels not be required.

I am informed that the problem is that cigars are no longer produced in Australia: the majority of cigars smoked in Australia are now produced, or at least packaged, in New Zealand. Because South Australia would be one out in requiring warnings on cigars, that would virtually ban the

sale of cigars in South Australia. It would be unlikely that any company would produce a package with a warning label for cigars that are to be sold in South Australia. I understand that the Minister intends to give an assurance that, even though cigars are included under the definition of 'tobacco products' single cigars and packets of cigars will not have to carry a rotating warning. I am happy to go along that line.

The Hon. L.H. Davis interjecting:

The Hon. M.B. CAMERON: Yes. If the Minister gives that assurance, we will have no problem. That is why I have not had an amendment drawn up to omit cigars from the definition of 'tobacco products'.

The Hon. J.R. CORNWALL: We certainly do not intend to require labels on individual cigars. In drawing up the regulations relating to boxes of cigars, we will have clear regard to what is being done in Victoria. If it is possible for a populous State like Victoria to do these things, and if they can be done without any hardship to what is admittedly a very small percentage of the market in South Australia, we will take the pragmatic and sensible course. I give an undertaking that we will not require that for individual cigars. We intend to follow Victoria in relation to labelling boxes of cigars.

The Hon. M.B. CAMERON: In other words, the Minister would not require that packets of cigars be specially produced in South Australia if Victoria does not go down that track?

The Hon. J.R. CORNWALL: No, that is right.

Clause passed.

Clause 4—'Sale of tobacco product by retail.'

The Hon. M.B. CAMERON: I move:

Page 2, lines 12 and 13—Leave out subclause (3).

Frankly, I think that is going a little far. I have read carefully what the Minister has to say about the fact that 15-packs are designed to attract or be saleable to school children. I do not accept that. I think that is going a bit over the odds. When I was young, although I did not smoke I know that children in my group did, and they had absolutely no trouble gathering together the funds necessary to purchase a packet of cigarettes and then divide it, and they always seemed to have some sort of container in which to put them, whether it be a 15-pack or anything else. So, I really think that this is taking it a little far, and that is why I have moved that this requirement be taken out.

The Hon. L.H. DAVIS: Did the Minister do any survey of specialist tobacconist shops regarding sales of packs of 15 or under? The Minister would be well aware that many of the more exotic cigarettes are sold in smaller packs by specialist tobacconists—such as Tunneys—to people of, perhaps, ethnic origin from Asia and Europe. I wonder whether the Minister is aware of the volume of sales; and whether there has been any discussion with retailers or users of such cigarettes, because, of course, this blanket requirement of clause 4(3) will wipe out the ability of many people who were formerly residents of Asia or Europe and who like to retain some connection with their homeland to smoke what are to them exotic cigarettes, and one can think of examples of that.

I am sure that the Minister is well aware of that. I am interested to know whether he would like to respond to that question. Secondly, could he advise as to whether any other countries in the world have banned the sale of packs of fewer than 20 cigarettes?

The Hon. J.R. CORNWALL: With regard to the second question, there are no other countries in the world, and I am very pleased and proud to be able to say that this is a world first, but then, in the health portfolio, we do those sorts of things fairly frequently. We are very innovative, and in the matter of the Tobacco Products Control Bill I have been interviewed internationally—I was actually on New Zealand radio. The anti-smoking lobby was very impressed by what we were doing.

With regard to the exotic cigarettes, the clove cigarettes of Indonesia, for example (which would kill Senator Elstob's brown dog), the matter has in fact been raised with me by one of our diligent House of Assembly members who was approached by a migrant from, I think, South-East Asia. The matter was addressed, and the only way it can be overcome, frankly, is for them to repack the cigarettes. That does not mean our opening the packets, but if they like to somehow repack individual packages as two packs and put the appropriate warning labels on them, they will be able to continue to sell them.

The Hon. L.H. Davis: There is a lot of logic in that!

The Hon. J.R. CORNWALL: Since the interjection of the Hon. Mr Davis raised the matter of logic, let me deal with one or two matters relative to the amendment of the Hon. Mr Cameron—the 15-packs amendment with which we are currently dealing.

The Hon. L.H. Davis: These exotic cigarettes—

The Hon. J.R. CORNWALL: I have answered the honourable member's question: if they repack them and put a warning label on them then they may sell them legally under the proposed legislation. If one takes the sales of cigarettes to the ultimate what happens in Third World countries to get the kids hooked initially is that they sell them one cigarette at a time. This is a constructive move to try to stop some kids, at least, from taking up smoking.

A 'survey' has been conducted by the Chamber of Commerce on behalf of one of the tobacco companies. The tobacco companies tell me, with a straight face, that they never survey any segment of the population aged under 18 years. I must say that that boggles my mind. They quite clearly have a strong vested interest in creating new addicts every year. We are talking about a drug of addiction, let us face it. Let us not mince our words: nicotine is a drug that is highly addictive.

There is abundant evidence that the per capita consumption of tobacco now is lower than it has been for 40 years: there is no doubt that the anti-tobacco lobby is winning and many mature adults are giving up smoking. In order to maintain profitability, sales and demand, of course the tobacco companies have a clear vested interest in creating a new set of addicts year after year. They say that they never do any research on minors. I would have to say that I find that remarkable, to put it mildly.

The Hon. R.I. Lucas: Do you believe it?

The Hon. J.R. CORNWALL: I have great difficulty in believing it.

The Hon. R.I. Lucas: You can be honest.

The Hon. J.R. CORNWALL: I do not have to pussyfoot around or apologise to the tobacco companies. As Minister of Health I have a duty to reduce smoking to the point of eliminating it. I do not apologise for that. I have a clear duty as State Minister of Health to conduct the anti-tobacco campaigns in such a way that our medium to long-term goal is a smoke free generation.

We endorse the World Health Organisation policy of health for all by the year 2000 and quite clearly within that strategy I have to pursue the most vigorous and effective anti-smoking policies possible. Apropos the survey which has suddenly appeared and which was allegedly conducted on 2 600 or 2 800 young people for the industry—at arms length, because, of course, they did not want to be involved—they came up with a set of figures which was quite the

reverse of figures produced by scientific researchers within the Health Commission—and I will come back to that in a moment. This document was prepared and submitted for publication in a learned journal.

The Hon. R.I. Lucas: Will you table it tonight?

The Hon. J.R. CORNWALL: Shut up, for God's sake, man and behave yourself like a grown-up, will you?

The Hon. Peter Dunn interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Dunn is a very ignorant and uneducated person, so I will explain what normally happens when a paper is submitted to a learned journal for publication.

The Hon. L.H. Davis: You have historic legislation, on your own admission, and you won't table the vital evidence. What is scientific about that?

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: The paper has been submitted for publication. It is in press, I understand.

The Hon. L.H. Davis: It is in press after the debate on the legislation. Do you usually debate legislation in ignorance. It is not—

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: Ignorance is your stock in trade, Mr Lucas—making a fool of yourself publicly is your stock in trade.

The Hon. L.H. Davis: Not at all. We just want the facts. Taxpayers' money has been spent on a survey, and we want to know the results of it.

The CHAIRPERSON: Order! The Hon. Mr Davis can have the floor for as long as he likes when he is called.

The Hon. J.R. CORNWALL: The honourable member is not only a clown but an objectionable one, if I might say so. However, to return to this matter: I was talking about the survey by the Chamber of Commerce. The Chamber of Commerce survey purports to find various aspects in relation to most children, these new addicts that the industry creates every year, with the active support of the spokesman on youth affairs, who quite actively supports the tobacco companies and proselytises for the tobacco companies in this place. This is the shadow spokesman on youth affairs. He does not mind the killing and the dying industry creating new addicts every year. That is the position of Mr Lucas. They said 'Our research should certain things in relation to the consumption of 15-packs'. I am sorry, I should have said not 'our research' but 'the Chamber of Commerce research'. The tobacco companies maintain that they never do research on minors and that it never enters their heads to do research on minors. They say, 'However, the Chamber of Commerce has done some for us.' They had someone go out and do a five minute survey.

The Hon. L.H. Davis interjecting:

The CHAIRPERSON: Order! The Hon. Mr Davis will come to order.

The Hon. J.R. CORNWALL: You are a singularly offensive fellow. If the honourable member is trying to get under my skin, I should say that he cannot do so any more than he does all the time. I have never met anybody quite as objectionable as the Hon. Mr Davis. He is a germ.

An honourable member: That is an injurious inflection on a germ.

The Hon. J.R. CORNWALL: It is an injurious inflection on a germ—quite right, and that ought to be on the record. I have just been given some interesting information: the Chamber of Commerce has not published its survey, and it refused to give it to us as recently as 4 o'clock this afternoon.

The Hon. R.I. Lucas: You know why—because you were not prepared to give yours.

The Hon. J.R. CORNWALL: 'You show me yours and I'll show you mine.' Is that the game at the moment?

The Hon. L.H. Davis interjecting:

The CHAIRPERSON: Order! I will warn the honourable member if I have to call him to order once more. After I have called 'Order!', interjections will cease.

The Hon. J.R. CORNWALL: Thank you Ms President for your protection.

The Hon. Peter Dunn: He needs it.

The Hon. J.R. CORNWALL: I do indeed need it, because the Hon. Mr Davis is being even more unruly, rumbustious and objectionable than normal. I am not into the game of 'You show me yours and I'll show you mine.' As I was about to say when I was so persistently interrupted, I have not played that for more than 40 years. I suspect that it is more Mr Davis's caper. But with regard to the so-called, but unpublished, survey of the Chamber of Commerce, it is purported to have produced results which showed that most children surveyed said that they had started the habit by purchasing packs of 25 and 30. Mr Drucker, the Corporate Manager of Philip Morris came to see me in my office on Friday evening at 6 o'clock. He told me about this so-called research, which showed that most children, according to him and to the Chamber of Commerce, started smoking on packs of 25 and 30. I said that that would be a matter of deep concern to me if that was validated research. I said, 'I will tell you what I will do; I will withdraw my proposal; I will go to Cabinet on Monday and I will put to Cabinet a firm proposal to ban packs of more than 20 cigarettes. We will ban your 25s and 30s in return for your being allowed to continue with your packs of 15.' Of course, he fell off the chair!

He did not think that that was a terribly good idea at all. The tobacco companies worldwide have these same polished lines which they sell to foolish B grade politicians like our friends in the Opposition. Really, there is an end to it. Perhaps if they and the Opposition were fair dinkum and if they really believed that survey—

The Hon. M.B. Cameron: They have never sold me a cigarette, but they've sold you a cigarette.

The Hon. J.R. CORNWALL: For months the Hon. Mr Cameron has gone around the health traps saying that when he got this shadow portfolio, they would have to realise that he was just a simple country boy. At this stage, everybody believes him—they know very well that he is simple.

The Hon. M.B. CAMERON: Madam Chair, I think that is an injurious reflection and I ask that the honourable member withdraw it. I am a simple country boy, but I am not just simple.

The CHAIRPERSON: Could I suggest that we proceed with the legislation.

The Hon. J.R. CORNWALL: What a good idea! If the Opposition is fair dinkum and if it has any concern at all about trying to stop young people from taking up this habit, from developing nicotine addiction and, in the longer term, from developing all the diseases and disabilities that go with it, then let members opposite move an amendment based on the so-called survey to ban packs of more than 20 cigarettes, and we will give that amendment some consideration. Of course, they will not do that, because they are friends of the tobacco companies. They have had all their coaching, their advice and their bodgie research results from the Tobacco Institute and from the tobacco companies.

Members interjecting:

The Hon. J.R. CORNWALL: There is the research. Members opposite are shown to be the hypocrites that they are, in that they are here to proselytise for the tobacco companies—and let them deny it. If they believe the bodgie research

that has been produced in order to try to bolster up this argument—

The Hon. R.I. Lucas: You have not seen it.

The Hon. J.R. CORNWALL: And nor has anybody else.

The Hon. R.I. Lucas: Yes, they have.

The Hon. J.R. CORNWALL: They will not give it to me or to my officers. It is not a public document.

The Hon. R.I. Lucas: And neither is yours.

The Hon. J.R. CORNWALL: Apparently, Mr Lucas has access to it. If he believes that it is *bona fide*, let him move an amendment. I challenge the Hon. Mr Lucas, the Opposition spokesman on youth affairs—he, who would be king: the man who is touted to lead this unfortunate Opposition if only he could find a seat. But, then, Mr Davis is now up and running in his socks. If Mr Lucas is serious—and I challenge him on this—about supporting children rather than tobacco companies, then let him tell us how he proposes to do it. He is spokesman for the tobacco companies. Obviously, he has been given the carriage of this Bill and has been given the job by his Leader in this Council of acting as the spear carrier for the tobacco companies. It is a disgrace for a spokesman on youth affairs to be in that role.

Turning to the realities regarding packs of 15 cigarettes, I have been provided with the data that was produced in our scientifically based survey, and I will cite the discussions of that survey. These data provide a snapshot of 14 and 15 year old adolescents' smoking habits in the seven days prior to the survey and indicate whether or not they had purchased packets of 15 during the previous month. From the results of the adult and adolescent surveys the greatest impact has been on the adolescent market. This is *ipso facto* a successful marketing campaign and it begs credibility to imagine the tobacco industry had no expectation that such advantages would accrue from selling cigarettes in packets of 15.

The promotional campaigns of cigarette companies are extensively researched. Campaign material is thoroughly pre-tested and data on age and sex trends in smoking is continuous and detailed. If one works back from the advertising message of Alpine 15s to its likely pre-campaign market research report, it is not difficult to suggest the sort of thinking behind the campaign—lack of money mitigating against the purchase of larger packs; concern to conceal cigarettes from teachers and parents; and the usual concerns to look attractive, sexual, and so on.

Given the sophisticated marketing methodology available to toboacco companies the conclusion which must be drawn is that price and concealment were known to be important purchasing factors among adolescents prior to the development of the campaign and had little or no appeal to adults. The price difference between 15s and other packet sizes is substantial. One of the tables that has been made available to me shows the recommended retail price of the six preferred adolescent brands and the proportion of the market they enjoy. It can be seen that at a packet price of $1.12 for Peter Jackson 15s and $1.28 for Alpine 15s the smaller pack sizes are much more retainable on an adolescent's budget.

Price has previously been shown to be a factor in the demand for cigarettes. Stone demonstrated that price elasticity of demand for tobacco was 0.5; that is, a 1 per cent increase in price would reduce consumption by 0.5 per cent. Other estimates by Stone have ranged from 0.1 to 0.65 per cent. Lewit *et al* have suggested that elasticity of demand for young people is much higher than that for older smokers. It follows from the work of Stone and others that if adolescents did not have available to them these cheaper brands or the price was raised considerably, or packaging in a way that is more appealing to adolescent budgets was prohibited, then the current popularity of 15s would be reduced considerably.

A number of tobacco executives have gone on record as saying they do not market cigarettes to minors. If this is so then it is the responsibility of Governments and public health authorities to ensure they do not, and that is at the nub of it. If the cigarette companies say they are not interested in the under-age market—in sales to minors—and in fact their policy is that they would not sell to minors, then we have a duty as a Government to help them implement that policy, and that is what we are about in this particular cause. We reject the amendment.

The Hon. R.I. LUCAS: To listen to the Minister talk about market research and surveys is the height of hypocrisy. He who conducts market research by ping-pong balls being popped in receptacles down at the Noarlunga Centre as an indication of valid market research; he who conducts market research surreptitiously by the friend of the Labor Party, Mr Rod Cameron, polling his own personal approval or disapproval without anyone knowing about it; he who conducts the whole of the Labor Party market research for its election campaign under the Health Commission budget to ingratiate himself with Schacht and company at headquarters—

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: The Minister says that he does not like Schacht very much and never has. Having had discussions with Schacht, I can say that the feeling is reciprocal.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: The feeling from Schacht towards the Minister is certainly reciprocal, and I might add that it applies to one other Cabinet Minister as well, but we will not get into that discussion that was held—

The Hon. J.R. Cornwall: What faction were you negotiating with?

The Hon. R.I. LUCAS: It is not a matter concerning factions. One of your colleagues was sitting with the good Mr Schacht over a quiet beer in a suburban hotel, but we will not go into that matter this evening.

This Minister, with a record like that in market research—ping pong John—has the gall to stand up in this Chamber, not having seen a poll conducted on behalf of the Chamber of Commerce (nor have his advisers), and criticise it as some five minute survey and as something purported to have been carried out among 2 700 juveniles in South Australia—'allegedly', said the Minister. The Minister uses all these sorts of nasty and cynical inferences when he is on a losing or sticky wicket. The Minister put his foot in it well and truly when, having consulted his adviser, he came back as recently as 4 o'clock this afternoon and proudly boasted that the Chamber of Commerce 'refused to give us a copy of its survey'.

I do not know whether or not the Minister's adviser gave him this information, so I do not cast any aspersion on the adviser, but the Minister did not mention the crucial other part to this particular question. I will share that conversation with members. The Chamber and the Minister's adviser had a telephone conversation along the lines, 'You show me yours and I'll show you mine.' The Minister's adviser wanted a copy of the survey, but the chamber said, 'Let's have a look at your survey'—this wonderful survey that has been done, although not by an independent and respected market research company. I might add that the chamber's survey was not done by one of its own lackeys—it was done by McGregor Harrison Marketing, which is one of the two

leading market research and marketing companies in South Australia.

The survey commissioned by the Minister—the one that the Minister is not prepared to table in here this evening and is not prepared to provide to anyone else—was done not by an independent and respected market research company but by the Health Promotions Unit of the Health Commission. Without being overly critical of the Health Promotions Unit of the Health Commission, we do know of its attitude towards this Bill. It would be a bit like asking Dracula to do a survey of persons in the community prepared to donate blood. It is just not appropriate for the Health Promotions Unit, with its particular attitude on this legislation or similar legislation, to conduct supposedly independent scientific market research on this issue. At the very least, the Chamber of Commerce has conducted a poll through an independent market research company.

If the Minister wants to continue to criticise research material that he has not seen, I point out that he is criticising the professional reputation of one of the leading market research companies in South Australia. If it is the Minister's lot in life to attack and criticise tobacco companies, so be it. I am not overly concerned about that. The tobacco companies are big enough and their executives and representatives are well paid enough, I am sure, to look after their own particular interests. However, if the Minister seeks to malign and smear the professional reputation of a professional market research company in South Australia, such as McGregor Harrison, then he is moving into rather dangerous territory.

Just before I detail the survey at greater length, the Minister has again attempted to smear me in his typical cynical fashion by saying that I am proselytising for the tobacco companies. During the second reading debate, and on previous Bills, I indicated that I will judge the legislation in this Chamber in accordance with its merits. As I have indicated to the Minister, there will be occasions in relation to passive smoking or smoke free zones and areas like that when the views that I express may well be different from the views expressed by representatives of tobacco companies. Smear campaigns will not work in this area. We are criticising the Minister's Bill in this Chamber because it will just not work in this respect. The Bill is naive in its intent, and its provisions will not in any way achieve the sorts of objectives sought by the Minister.

As background I note from some of the research that has come out that the Peter Jackson and Alpine 15's combined market in South Australia is only .8 per cent of the total cigarette market in South Australia—less than 1 per cent of the total market. We have not got any of this marvellous research of the Health Promotion Unit that the Minister is prepared to reveal. It will be in some journal published later down the track and we are not able to look at that research until, surprise, surprise, after this Bill passes through the Parliament. Then we can look at this wonderful research that the Health Promotion Unit has prepared. It is not an independent market research company but an arm of Government.

The Hon. Mr Elliott talks about conflicts of interest in SGIC and Jubilee Point, but we hear no criticism of the Hon. Mr Elliott from independent research done by the arm of Government pushing this very Bill—independent research done by people within the Health Promotion Unit or the Health Commission. What are we aware of from press releases or communications from various people of this research? Let us look at a couple of instances, for example, a telex from John Cornwall, Minister of Health, South Australian Health Commission, to Mr W.H. Webb, Managing Director of Philip Morris. What does the good doctor or mister say in this telex? He starts off in typically friendly Cornwall fashion as follows:

> I understand from Messrs Drucker and Mr Grath that you do not conduct market research on under 18s. Suggest therefore you are not in position to know extent of 15 pack use by teenagers. Our research (in press) indicates 56 per cent of 12 to 14 year old—

I ask members to note that the Minister says '56 per cent of 12 to 14 year old'—

> smokers purchased 15s in past month; 67 per cent gave low prices as reason for purchase, suggesting low pocket money factor being targeted.

The Minister thinks when he comes into this Chamber that people do not do any research. I refer to the Minister's press release of 6 June 1986 headed 'Minister announces comprehensive anti-smoking program' which states, on page three:

> Dr Cornwall said current legislation prohibited the sale of tobacco to children, but a recent survey of Adelaide high school children had revealed some alarming patterns. He said the survey of 649 metropolitan high school students aged 14 and 15 had found that 40 per cent of them smoked cigarettes on a regular basis. Of that number 56.3 per cent bought packets of 15s in the past month, compared with an average 8.8 per cent of adult smokers. The survey, conducted by Mr David Wilson of the Health Promotion Branch—

not an independent professional market research company—

> found that 67 per cent of the children who bought 15s did so because of price, while 14 per cent said they bought the product because it was easy to conceal.

Now, we have two statements from the Minister—a press release and a telex. One of them tells us that the research was conducted amongst 14 and 15 year olds. The other one tells us it was conducted amongst 12 to 14 year olds. What was the research—this professional, scientifically based research with a marvellous methodology conducted by the Health Promotions Unit? What was this research? We have a telex which says it is 12 to 14 year olds, and we have a press release that says it is 14 to 15 year olds. Even the Minister—and I am glad to see that he is consulting his advisers—would concede that you have to at least get your market right. What age group are you talking about? Are you talking about 12 year olds or are you talking about 15 year olds? To pass off market research supposedly done on behalf of the department, supposedly arguing for this legislation, supposedly arguing against all the arguments put by opponents to the Bill, whether they be tobacco companies or members of Parliament, this is his research and he does not even know what his sample is. If he does not know among whom the research was conducted, what use is there in our placing any reliance at all on the rest of the market research?

The Hon. L.H. Davis: He should report progress and find out what the truth is.

The Hon. R.I. LUCAS: Exactly. What we need to know, if we are to debate this Bill—and we have the Hon. Mr Elliott here in this Chamber hanging on every word before he makes a decision on this very important matter—is amongst whom this supposedly scientific market research done by the Minister's own advisers within his department was conducted. Were they 12 year olds? Were they 15 year olds? Was it 650 students or perhaps only a couple of hundred? Were the percentages 60 per cent or only 30 per cent? If you make a mistake in your sample design, you make a mistake in your results. What is the point of this research?

The Hon. L.H. Davis: What expertise does he have?

The Hon. R.I. LUCAS: I do not want to criticise the expertise or background of Mr Wilson or Mr Chapman, etc.

What I am saying is, if you do market research, at least get it right. At least be prepared to bring into this Chamber some results that we can all have a look at. Table it—do not wave it around it like some buffoon. Table it.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: You can table it after I have had a go at you. I am glad to see, after some considerable pressure, that the Minister is now prepared to back down on the early challenges and table the results in this Chamber. I am pleased to see it, and we will have a look at it. That will not excuse the errors in the presentation from the Minister. He has got to get it right. Are they 12 year olds or are they 15 year olds?

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: Why do you say 12 to 14 year olds?

The Hon. J.R. Cornwall: There is a mistake on the telex.

The Hon. R.I. LUCAS: If there is a mistake on the telex, what other mistakes have you made? You did not understand the first amendment this evening. You did not understand what was going on. It was only after we quoted back at you the words you quoted in the press three weeks ago that you were finally caught—finally hoist on your own petard. That was the only time—the only way you agreed to that amendment in the end.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: As long as we get results and we achieve amendments in this Chamber, it does not matter how we achieve them, according to the Minister.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: It is not the end justifies the means. We have seen the results of that first amendment. The Minister, under pressure, backed down and was prepared to accept it, and we are delighted. Let us put it to the side for a moment until we have had a chance to look at that research. There are clearly some problems in it when the Minister cannot even get it right in his correspondence with people. The independent professional market research done by one of the two leading market research companies in South Australia, McGregor Harrison, was not five minute research that the Minister implied snidely.

The Hon. J.R. Cornwall: Bodgie.

The Hon. R.I. LUCAS: 'Bodgie' he suggests now. Here we go—the Minister is smearing the professional reputation of a professional market research company by saying that it is bodgie. He cannot back off from that now: he said it.

The Hon. J.R. Cornwall: Of course it is bodgie.

The Hon. R.I. LUCAS: How does the Minister know? He has not even seen it. Because the research does not agree with his officers and his results, the Minister says that it must be bodgie. Anyone who opposes the Minister has to be a purveyor of death, a spear carrier for the tobacco companies.

The Hon. J.R. Cornwall: Like you.

The Hon. R.I. LUCAS: Anyone who opposes the Minister has to be a proselytiser for young people smoking. That is the sort of nonsense we have come to expect from the Minister in this place, a Minister whose record in market research extends to ping pong John down at the Noarlunga Centre: he conducted research with ping pong balls and that is the Minister's knowledge of market research. He might know something about dogs and cats, but when it comes to market research, he knows nothing at all.

The Hon. J.R. Cornwall: I know about dogs—I have watched you for a number of years.

The Hon. R.I. LUCAS: That may be an injurious reflection.

The Hon. J.R. Cornwall: On dogs.

The Hon. R.I. LUCAS: I am not so sensitive as to take offence at that. I concede that the Minister may know something about dogs and cats, but he knows nothing at all about market research, and that has been obvious in the period of his ministership. He is one of only two Ministers in this Chamber to suffer the ignominy of a successful no-confidence motion for deliberately misleading this Council. This is the record of this Minister in market research related matters together with his ping pong survey at Noarlunga. Let us consider professional market research involving allegedly (to use the Minister's word) 2 700 people. He smeared the McGregor market research by saying it was bodgie and then said that allegedly 2 700 people were involved. It involved a total of 3 755 people, in fact. I know the principals of McGregor Harrison and I know that, if they were commissioned to take a poll and if they say they conducted research involving 2 700 juveniles, in total 3 700 juveniles and adults, they researched that group. For the edification of the Minister (and I use that term advisedly), I point out that Mr Ian McGregor is a past President of the Market Research Society of South Australia. He is also active at the national level of the Market Research Society and is a great supporter of the code of ethics of the market research companies of Australia. For the Minister to say in this Chamber that it is bodgie research, five minute research, and to smear the professional reputation of that company is an absolute disgrace.

The Hon. L.H. Davis: He wouldn't say it outside the Chamber.

The Hon. R.I. LUCAS: No, he would not be prepared to.

The Hon. J.R. Cornwall: Certainly.

The Hon. R.I. LUCAS: Go outside and say it. The Minister would not be prepared to say that outside.

The Hon. J.R. Cornwall: Of course I would. I will say it anywhere, any time.

The Hon. R.I. LUCAS: Well, I would be delighted. I will contact Ian McGregor and I will take a 10 per cent commission on the damages claim.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: That is lovely. We are now being called the whores of the industry. The representatives of the tobacco industry are being called the whores of the industry. The Minister has his sexes wrong in the first place: there are some male representatives of the industry. For the Minister to conduct himself in this way on this Bill and in relation to this market research is a disgrace, and he knows it. He cannot even get his own research right.

The Hon. L.H. Davis: We can't even see his research.

The Hon. R.I. LUCAS: We might see it now, because the Minister is backing off under pressure.

The Hon. J.R. Cornwall: Where is yours?

The Hon. R.I. LUCAS: It is not mine to give. At 4 o'clock this afternoon the Minister and his advisers had the opportunity to trade surveys, but he was not prepared to do that so he cannot cower away, back off, and cringe at 9.40.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: The Minister cannot even get the sample size right—whether it involves 12 or 15 year olds. Let me have a look at some results of the independent market research which has been done, and I want to deal with a number of aspects. When asked which brands juveniles smoked, one brand dominated the stated regular brand of juveniles—Escort, with nearly two thirds claiming it as the regular brand. Only five other brands achieved 1 per cent or more of the juvenile regular brand market. Clearly, that is quite contrary to the research done by the Minister's own officers within his department, but let us proceed.

It goes on to show that amongst the 12 to 14 year olds the brand most smoked is much the same as it is for the rest of the age groups—Escort. For some strange reason, in South Australia—and I am not a smoker—Escort has a far greater penetration of the cigarette market than it does in any other State. That is with very little advertising, from recollection. I suppose there is football sponsorship and things like that. Of the 12 to 14 year olds who smoked, 62.9 per cent smoked Escort.

The next brand was Peter Jackson, 11 per cent; Winfield, 3.9 per cent; John Player, 1.8 per cent; Alpine, 2.1 per cent; and Benson and Hedges, 0.7 per cent. Peter Jackson and Alpine, of course, are the two brands marketed in various pack sizes, and they are the only two brands—they are marketed by Philip Morris—which are packaged in 15s. The total market of the 12 to 14 year olds is 11 per cent plus 2.1 per cent, 13.1 per cent of Peter Jackson and Alpine. That is the penetration of the two brands, but that includes packs of 20s, 25s and 30s. It is not just the 15s.

So, we are looking at the fact that the 15s market as a percentage of the total market in South Australia is only 0.8 per cent. The survey conducted amongst 2 700 juveniles (and admittedly they could not find that many 12 year olds who smoked) showed that the total involved was 13.1 per cent. So, it is quite clear that the 15s usage by juveniles 12 to 14 is significantly less than 13 per cent and is likely to be—and this is only an estimate—less than 5 per cent of the market.

The Minister does not know within which age group his research was conducted, but 14 to 15 year olds seem to be his fall-back position. He seems to change his survey to suit the argument of the day. Among the 14 to 15 year olds the penetration of Peter Jackson and Alpine, including big packs as well as small packs, totalled 10.6 per cent for Peter Jackson and 1.5 per cent for Alpine, a total of about 12 per cent, even less than the 13.1 per cent.

With the 16 to 17 year olds it was 5.9 per cent and 2.4 per cent, so the penetration in the 16 to 17 year olds is about 8.3 per cent, so it diminishes from 13 per cent through 12 per cent to around 8.5 per cent as a penetration of the juvenile smokers market. How does that contrast with the sort of research that has been conducted by the Minister's own officers when he says 56.3 per cent bought packets of 15s in the past month?

The connotation is that the very large bulk of these young smokers are smoking these 15 packs, and when we look at some good professional, independent market research what do we see? It has to be less than 5 per cent based on sample sizes of 2 700. What is the sample size the Minister is talking about: 649 metropolitan high school students. What the Minister will not tell us—and we will have a look at the research—is how many of those 649 were smokers, or were they all smokers?

The Hon. J.R. Cornwall: 40 per cent.

The Hon. R.I. LUCAS: Only 40 per cent. So, we are down to about 350 people as the total sample size that the Minister is talking about. He wants us to accept market research based on a sample size of 250 people. If we break that figure down among the various age groups—and I do not know what age groups we are talking about because, depending on who the Minister is talking to or writing to he changes them, but it is in the groups between 12 and 15 or 16 years of age, so there are three, four or five such age groups—we are talking about maybe 30 or 40 children in each age group.

This is the independent market research lauded and waved around by this Minister of Health as a reason for supporting this provision in the Bill: a total of 250 children comprising 40 to 50 children, or maybe only 30 children, in some age groups. That is why professional research companies have to look at large sample sizes, such as 2 700, to try to get enough smokers in all age brackets to make any sort of judgment about 15-packs.

What else does this market research tell us? It says that only 4.8 per cent of juveniles who had purchased Alpine or Peter Jackson 15s claimed that they bought 15s only. The great majority, 80 per cent, also buy packs of 30. If one looks at the breakdown in the independent market research one sees that 80 per cent of 12 to 17 year olds bought 30s; 25-packs, 18.8 per cent; 20-packs, 4.2 per cent; 15-packs, 4.8 per cent; and other, 0.5 per cent. Only 4.8 per cent brought 15-packs.

Irrespective of the accuracy or not of the research done by officers within the Minister's department pushing this particular Bill, or the research done by an independent market research company, we can argue about the methodology of both surveys. I am the first to admit that I am not lauding any particular market research project as being perfect, as all market research surveys and sample designs have their own weaknesses and problems. If the Minister would only concede that we would be half way there.

Irrespective of what penetration there is of 15-packs in the juvenile or adolescent market, the critical question in my mind, as a legislator is: if we ban the 15-packs what will happen? That is the critical question. In my view whether the current 15-packs have 50 per cent, 15 per cent or 5 per cent penetration is not the key question. The key question is: if we ban the 15-pack, as the Government wants us to do, what will be the result? What the Minister wants us to believe is that, if we pass the clause in this Bill and ban the 15-packs, every juvenile and adolescent smoker throughout the State, or at least 50 or 60 per cent of them, will immediately throw up their arms in horror and say, 'Shock, horror, the Parliament has banned 15-packs. I am not going to smoke any more. I can thank the good Dr Cornwall for saving my future health.' It is naive if the Minister believes that that will be the reaction of juveniles and adolescents to the passage through the Parliament of the banning of 15-packs. I will tell the Minister what will happen: they will smoke 20, 25 or 30-packs, as most of them are doing anyway at the moment. Those who are smoking 15-packs will just convert.

The Minister seems to think that $1.15 for a 15-pack of cigarettes is an inordinately great amount of money for young people of today. The Minister is sadly out of touch. He clearly has not been recently to a rock concert, where one pays $10 to $30 to attend: he clearly has not been to the pictures, where one pays $5 to $7 for admission: and he does not go to the football, where one pays $5 or $6 to attend a match (or $14 to attend the grand final); he does not buy a compact disc tape and pay $25 for it—he probably does not even know what that is.

The Minister does not buy LPs at $12, $13 or $14. Who does the Minister think comprises the market for long playing albums in South Australia—the grand-daddies and grandpappies like the Hon. Dr Cornwall? Who does he think forks out frequently $12 to $15 to buy records? Who does he think often forks out $25 in the compact disc market?

The Hon. T.G. Roberts: The parents.

The Hon. R.I. LUCAS: Maybe a component is due to the parents, but they do not say, 'Here you are, off you go, sonny, and buy a $25 compact disc.' Parents give their kids some disposable income or pocket money, call it what you like, and in most cases the expenditure of that is up to the children.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: The Minister can not talk about the eastern suburbs, when he lives in a mansion at West Lakes. Let us be honest about it. I will be quite happy to get into a debate with the Minister on the question of working class backgrounds, if that is what he wants to do. I am quite proud of my working class background, and there is nothing at all traitorous about being in this great Liberal Party—but we will debate that on another occasion. The Minister is saying that if these young kids are unable to buy a 15-pack for $1.15—as opposed to paying $1.70 for a 20 or 25-pack—they will throw up their arms and give up smoking—even though they are paying $15 or $25 on music and assorted other entertainment. They probably go down to the pub and spend more than that illegally drinking on the weekends, anyway—not that I support that, but that is the lifestyle of young people today.

What does this research show about the proposition that I am putting to the Minister here? In the survey, respondents who have ever smoked 15s were asked, 'If the Government banned 15s would you continue to smoke cigarettes?' It was a pretty good question. I would be interested to see the Minister's research results to know whether he even explored that question. If that question was not explored, that would show that his research was very poorly based and very poorly advised. Among the juvenile sample covered by the research, 6.4 per cent said 'No', 1.1 per cent were undecided, and 92 per cent said that they would continue to smoke: 92 per cent of the juvenile market would continue to smoke if the Government banned the 15-pack.

The Hon. J.R. Cornwall: Eight per cent will give up.

The Hon. R.I. LUCAS: No, the Minister does not listen—6.4 per cent. The Minister should just listen.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: So, the Minister accepts that—not the 56 per cent and this sort of stuff that he has been talking about. Sixty seven per cent of the children who bought 15s did so because of the price. One should look at this research. The inference in everything that the Minister does and says is that we are going to get people to give up smoking the 15 packs.

The Hon. J.R. Cornwall: We tried for 1 per cent here.

The Hon. R.I. LUCAS: That is in the total market.

The Hon. J.R. Cornwall: We tried for 1 per cent here. When you get 6 per cent of teenagers who give up smoking by this legislation, then one should grab it with both hands.

The Hon. R.I. LUCAS: It is absolute nonsense for the Minister to attempt to back his own Bill in this Chamber by a suggestion that 92 per cent of kids are not going to give up. Clearly, they are not going to give up if the Government bans the 15-pack. The survey found that boys were more likely than girls to discontinue, but the intention to discontinue was still low amongst the boys as well.

I come now to the last matter to which I want to refer in the research, which, as I have said, is comprehensive market research, and I hope that, if the Minister is going to trade with the Chamber, he will then have a look at these findings. A question asked was, 'Were 15s the first brand that you ever smoked and, if "No" ', what pack size did you buy before the 15 pack became available?' I think the Minister might have referred partly to the result of this before. However, 4.6 per cent of the sample of 12 to 17 year olds who said 'Yes' said that they had only smoked 15s. Of those who said 'No', 64.6 per cent of the respondents had bought 30s, and 30 per cent had bought 25s, while 6.1 per cent had bought 20s.

So, they are only some of the brief results of the comprehensive research that has been conducted by the Chamber of Commerce and Industry. I hope that the Minister now, after reconsidering, will trade survey papers with the chamber so that the chamber and other people can look at this health promotion research that has obviously been caught out a little. The Minister can then look at the research and I am sure find some cause for criticising some aspects of it.

I support the Hon. Mr Cameron in his opposition to this provision. I think that the research shows that it is naive and ill advised. I hope that members will not support this provision because, if we get to the stage of laying down the law to manufacturers as to the size of packs in which they can produce their cigarettes, in my view South Australia would be in a sorry state.

The Hon. M.J. ELLIOTT: I have had difficulty with three areas of this legislation: first, the area in which the Government caved in relating to the requirement of three other States and the Commonwealth (but that has now been resolved); secondly, this matter; and, thirdly, one other area. I have spent virtually all my time on this matter and another which will arise later. As a result of my range of contacts, I managed to obtain the Government report, and I have been also in a very lucky position—

The Hon. R.I. Lucas: How come you got it?

The Hon. M.J. ELLIOTT: I have contacts in many places.

The Hon. R.I. Lucas: You got a copy of it. Who gave it to you?

The Hon. M.J. ELLIOTT: I do not know if it is the original, but it seems fairly accurate.

The Hon. R.I. Lucas: The Minister has given it to him. It is from a scientific journal and the Democrats have it.

The ACTING CHAIRPERSON: Order!

The Hon. M.J. ELLIOTT: Quite clearly, the Minister did not give that to me. I also have been very fortunate in that the Chamber of Commerce and Industry submission, which the Minister has not seen, has also been shown to us. It may or may not be a surprise that I do not see the two surveys as being incompatible. There is a saying (I cannot recall who said it): lies, damn lies and statistics. But, the important thread of what was said was that one can compile all sorts of statistics, but it depends on the questions asked, how they are treated and what conclusions one feels like drawing from them.

I am willing to accept that, in the overall market, the 15s may have a penetration of about 1 per cent. The Chamber of Commerce and Industry figures suggest that the penetration among juveniles averages about 5.3 per cent, ranging from 7 per cent for 12 to 14 year olds to 4 per cent for the 16 to 17 year olds. However, if one wishes to talk about the way in which statistics are treated, those percentages relate to people who buy 15s exclusively, so in fact the percentage of people who buy 15s at some time, I should imagine, is considerably higher. The Government percentage of 56 per cent, which I think related to 14 to 15 year olds, pertained to people who bought 15s in the last month. There is a significant difference between 15s in the last month and buying 15s only.

I think that the other important point is that the Government statistics were taken in May, which was a peak time when the Philip Morris company very heavily promoted its 15s packet, with some advertising which I hope that the company now regrets using. The advertising certainly would have boosted that figure.

The Hon. L.H. Davis: The chamber's figure is probably more accurate then.

The Hon. M.J. ELLIOTT: No, I think that they are both accurate. The honourable member is not listening; he has blinkered ears. The statistics will be used wrongly in the

press, because people will use the statistics that they want to use.

I am willing to believe that 15s are probably a very significant part of the market for 14 and 15 year olds. I would be guessing if I had to distinguish between the two because the data is not there. The questions asked so far show that probably 15 per cent to 20 per cent would be regular buyers of 15s. If one looks at the two sets of data that is probably a reasonable conclusion.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: No, it is an intelligent analysis of the data—of which some people are capable.

The Hon. R.I. Lucas: You added it up and divided it by two, did you?

The Hon. M.J. ELLIOTT: Mr Lucas did a little bit of statistics at university, just as I did, and I was fortunate to have done so. If he accepts the Chamber of Commerce poll, which would suggest that around 6 per cent were buying 15s exclusively, he would have to accept that a much higher proportion were buying 15s occasionally. I am willing to accept the poll which the Government had done and which suggests that 56 per cent were buying 15s in the last month. I am sure that they are buying a lot of other things as well. It is a reasonable and conservative conclusion that 15 per cent to 20 per cent would be buying 15s fairly regularly. I do not think that it is an irrational conclusion.

The Hon. R.I. Lucas: Seeing that you have seen the survey, who did the Government get to do it?

The Hon. M.J. ELLIOTT: I cannot recall the name of the person. As I read through the methodology I thought that it was quite sound, although I thought that in both cases the questions could have been framed better. However, that is, unfortunately, the case with all surveys.

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: No, I think the sample is statistically sound and large enough to be safe. We have what appear to be conflicting statistics. I do not believe that the conflict is as great as it seems; it involves simply the questions asked in the first instance and to some extent the timing of those questions.

My major concerns were, first, the impact on children and whether it was a significant cause of people taking up smoking and, secondly, what would be the economic impact on the industry. I imagine that South Australia would have about one-twelfth of the total tobacco market in Australia; that would be a reasonble guess. Since 15s make up 0.8 per cent of the market, if one goes to one-twelfth of 0.8 per cent one is talking about seven cigarettes out of every 10 000, which is not an awful lot of cigarettes, if South Australia went along that line.

I do not believe that the move to ban 15s would have any dire economic consequences. I am mindful of taking moves that rapidly change a market and cause economic turmoil. For that reason I opposed the doubling of the wine tax, which affected the Riverland and which the Liberals opposed and voted for. What an act of hypocrisy that was! The Liberal Party says that it cares about the economy, companies and wine growers, yet it voted for the doubling of the wine tax. That was a very important economic measure. In this case, I do not see any important economic consequences at all and, after analysing that, I do not believe that that will have a real effect on me.

If 6 per cent of children have taken up smoking because of 15s packs or *vice versa*, if 6 per cent would give up because 15s were not available, that would be worthwhile. In fact, I would be happy with 2 per cent or 3 per cent, because there are an awful lot of smokers, and the health of most smokers suffers, although smoking does not always lead to cancer. In terms of preventive health in South Australia, such a move would be worthwhile. I will therefore oppose the amendment after, I must confess, a great deal of heartache.

I was very surprised that the tobacco companies behaved responsibly this time. I did not think that they would earlier on when they started to threaten arts companies with cutting off their funding and such, which goes down with me like a ton of bricks. That sort of behaviour is contemptible. The way that the tobacco companies have behaved with their self-regulation allowing 15s advertising is also contemptible, but so far they have behaved themselves remarkably well, and I compliment them for a change.

The Hon. J.R. CORNWALL: The Hon. Mr Lucas, the Opposition spokesman on youth affairs, was on his feet for something in excess of 30 minutes. During that time I challenged him, as the official spokesman on youth affairs for the official Opposition, to make a constructive contribution to the Government's anti-smoking campaign. The Hon. Mr Lucas continually proselytised on behalf of the tobacco industry. The Hon. Mr Lucas did not say one word and did not contribute one sentence during a very long contribution to this segment of the debate which would lead anyone to think that he or his Party had any interest whatsoever in taking constructive action to reduce smoking and, more specifically, to reduce smoking among teenagers or to stop adolescents from taking up smoking and in many cases developing a life long nicotine habit with all of the terrible long-term consequences that that involves.

The offer is still there. To date we have not heard one word from the Hon. Mr Lucas as to what he would do as a positive contribution to the anti-smoking campaign aimed at adolescents. I cast my mind back to the introduction of the Alpine 15s pack and the very substantial advertising campaign that went with it. That created a very huge sense of outrage in a very large segment of the community. In the four years that I have been Health Minister I have not known anything to match it in terms of producing an anti tobacco company response. My office was flooded with protests, not just from concerned members of the medical profession and the health professions, but from ordinary people out there in the community. Ordinary men and women and ordinary parents were outraged—and in my view were rightly outraged—by the campaign conducted to accompany the introduction of the Alpine 15s pack.

Depicted on huge billboards all around the State was the bottom half of a young female from the navel downwards and clad in a pair of bikini pants. It was completely sexist and completely objectionable and obviously directed at 14 and 15 year old girls. The accompanying slogan stated, 'It fits in anywhere'. That was the introduction of Alpine 15s. The advertising was clearly designed to attract the female teenage market. Incidentally, we were told that the model was 24 years of age. However, I am not able to comment on that because, although I am a veterinarian, I could not examine her teeth: we were shown only the bottom half. However, the advertisement was not only sexist but it was quite outrageous in the market that it was targeted for. Quite clearly, that market had been carefully researched.

The sense of outrage was right; the market was targeted and, more importantly, those who know more about these matters than I do advise me that it was a careful, cynical advertising campaign introduced after substantial market research. It was a disgraceful campaign. Let me turn to the scientific paper (and I stress 'scientific') which has been prepared. Like any genuinely serious scientific paper this has been validated by external referees. The authors are David H. Wilson, Master of Public Health, Research Man-

ager, Health Promotion Services, South Australian Health Commission; Melanie A. Wakefield, Diploma of Applied Psychology, Research Officer, Health Promotion Services, South Australian Health Commission; Adrien Esterman, Master of Science, Fellow of the Institute of Statisticians, Senior Statistician, Epidemiology Branch, South Australian Health Commission (almost as well qualified in these matters as Mr Lucas); and, as senior author, Dr Christopher C. Baker, whose postgraduate qualifications are too numerous to mention. They extend through a range of postgraduate activities, particularly public health. Dr Baker is the Executive Director of the Public Health Service of the South Australian Health Commission. They are the four authors. If anyone wants to impugn their professional integrity, as has Mr Lucas consistently—

Members interjecting:

The Hon. J.R. CORNWALL: Oh yes he has. Read *Hansard* tomorrow!

The Hon. R.I. LUCAS: On a point of order, I was not aware there were four authors; I thought there were only one or two. I claim to have been misrepresented under the appropriate Standing Order.

The Hon. B.A. Chatterton: Which one?

The Hon. R.I. LUCAS: The honourable member knows which one.

The Hon. J.R. Cornwall: It is 193.

Members interjecting:

The Hon. R.I. LUCAS: Under Standing Order 193 I claim to have been misrepresented by the Minister. I did not smear the authors of that publication, and in evidence of that I indicated the areas referred to and comments made by the Minister, and there was no personal smearing of the personal reputation of those authors.

The ACTING CHAIRPERSON (Hon. Peter Dunn): The honourable member may explain his position, but there is no point of order.

The Hon. J.R. CORNWALL: The authors were indeed continuous and seriously slandered by the Prince of Slander over a period of more than 30 minutes. He is very good at slandering—he has shown himself in the past to be a master of the technique. Before I move into this paper which I intend to read into *Hansard* and will then seek to have it tabled—

The Hon. L.H. Davis: Can I draw your attention to the time? It's after 10 o'clock. You normally go home at that time, so you have the opportunity to adjourn the Council.

The Hon. J.R. CORNWALL: Stop acting like a fool! As the Hon. Mr Lucas has access to the survey done for the Chamber of Commerce—not for the tobacco companies, as they never do any research, they tell us, on people under 18—can he tell us about the methodology? How were people sampled? What was the percentage of refusals? Was it done with or without parental consent—were parents aware of it? Was there guaranteed confidentiality? Was it done by telephone, personal canvass, doorknock or within the schools? Where is the questionnaire?

We have no detail at all. Without those it has to be described as bodgie research. It may be that when that is produced publicly in terms of sampling (and it is no more than that—it has not been done by a scientific team) it will stand up, and maybe we will have to accept the fact that 6 per cent of teenagers would give up smoking if we banned packs of 15s. That would be an enormous result. In the population at large we look for about a 1 per cent reduction a year and believe we are doing well if we get 1 to 1.5 per cent reduction in smokers in the adult population.

So, for kids who already have an established smoking habit, who are already addicted to nicotine or are in danger of becoming addicted to nicotine developing a lifelong habit which they will find very hard to toss, then of course it would be an enormous result. Were there any external referees? Who checked the methodology? Who validated the methodology? There are more questions unanswered than answered. Perhaps these things can be checked by statisticians from within or outside—by independent statisticians at the university, for example. Perhaps they can be checked by independent epidemiologists. Perhaps we could ask people of the calibre of Dr Tony McMichael to have a look at the survey. If the Chamber of Commerce is prepared to make it available to me, then I shall have it checked by independent, very well qualified experts.

In the meantime, in the interests of showing that we wish to make as much material as possible available for this debate, I am prepared to make this report available. It is in the press. It will be, one would hope—or would have been at least, and I may be prejudicing the possibility of its publication—published in the *Journal of Community Health Studies*. If I am prejudicing its publication, I shall apologise but, in the interests of this debate, I have taken a decision—not lightly, let me say—to ensure that this is available. I do not know how best to go about this, Ms Chair—

The Hon. M.B. Cameron: Table it.

The Hon. J.R. CORNWALL: Tabling it is not really enough because it will not be put into widespread circulation by tabling it. It would seem to me that the only way I can get this into *Hansard*, unless we can cooperate in some other way, is for me to read it into *Hansard*. The title of the paper is '15s: they fit in everywhere—especially the school bag. A survey of cigarette consumption of 14 and 15 year old adolescents in South Australia'. As listed, the authors of the publication are:

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The introduction states:

In 1985 and early 1986 the Philip Morris tobacco company introduced smaller packets of 15 cigarettes under the brands Peter Jackson and Alpine. There has been a great deal of concern by health authorities that the introduction of packets of 15 is a tobacco industry marketing strategy to induce children to smoke by making cigarettes more accessible in cost terms.

The launch of 15s, especially for the Alpine brand, has featured extensive advertising involving themes that appeared very appealing to teenagers. In light of these concerns, a survey was organaised to identify how popular 15s are among young aadolescents. At the same time the opportunity was taken to examine smoking prevalence of these adolescents.

During May 1986 a cross-sectional sample of 649 male and female adolescents aged 14 and 15 years was taken from nine high schools in the Adelaide metropolitan area to examine current smoking behaviour and to assess the impact on this age group, of new cigarette marketing methods whereby two leading brands (Alpine and Peter Jackson) are sold in packets of 15.

It was necessary to resort to a sample of convenience because resources were insufficient to conduct a population based probability sample. Originally, 10 schools were selected based on their ability to represent a broad cross-section of aqdolescents from different socio-economic backgrounds. One school withdrew from the survey for administrative reasons just prior to interviewing

and was not replaced. All year 10 adolescents who were present on the day interviewers attended the school completed a self-report questionnaire.

Based on an estimate that 40 per cent of the 25 000 children in this age group in South Australia would be smokers, and that a 95 per cent confidence interval of 35 to 45 per cent is required, a sample size calculation based on a simple random sample gave a required sample size of 363. This was multiplied by a factor of 1.3 to allow for the clustered design, giving N=472. This was then boosted by 20 per cent to allow for refusals. A final sample size of 567 was aimed for.

Respondents were asked to state the number of cigarettes smoked on each of the seven days prior to the survey. They were also asked whether or not they had purchased a packet of 15 cigarettes (Peter Jackson or Alpine) during the four weeks prior to the survey. Respondents were asked to give their reasons for purchasing these cigarettes and replies were coded after return of the questionnaires.

In the data analysis, schools were classified into low, medium and high socioeconomic status according to the proportion of children receiving Government assistance for school books. (South Australian Education Department data, 1985)

RESULTS

Table 1 [and I will seek leave to incorporate the tables in *Hansard* as they are purely statistical] shows that 46.3 per cent of females and 36.1 per cent of males were smokers. Overall 40.5 per cent of 14 and 15 year old adolescents classified themselves as smokers and this compares well with the results obtained in the Anti-Cancer Foundation survey conducted among South Australian schoolchildren in 1983 where the same question was asked. The difference between the proportion of smokers in the two surveys is not statistically significant (P=0.56).

Table 2 shows the mean number of cigarettes smoked per week by age, sex and socioeconomic status. 15 year old smokers are heavier smokers than 14 year olds. Children of high socioeconomic status are lighter smokers than other socioeconomic groups. Overall there does not appear to be much difference between the sexes as in the average number of cigarettes smoked per week.

To assess the joint effects of age, sex and socioeconomic status on the number of cigarettes smoked per week, a three way analysis of variance was performed on the data. This showed that there was a significant difference in the number of cigarettes smoked per week by age (P=0.04) and socioeconomic status (P=0.02). The difference in the number of cigarettes smoked per week by sex also approached statistical significance (P=0.09). Examination of the data for smokers who bought packets of 15 cigarettes in the month prior to the survey showed that they had been purchased by 56.3 per cent of all adolescent smokers (table 3).

This proportion is compared with an adult survey conducted two weeks earlier where it was shown that only 8.8 per cent of adults had purchased packets of 15 in the previous month (4). The difference in purchasing patterns for 15s between adults and adolescents is statistically significant (P<0.0001). Of those adolescents who were able to give a reason for buying packets of 15, the most popular explanation was price, followed by the fact that the packets were easier to conceal (table 4).

A logistic regression analysis was performed on the data to assess the multivariate relationship between purchase of 15s and age, sex and socioeconomic status. Neither age, sex nor socioeconomic status appeared to be related to the purchase of 15s. This suggests the practice of buying 15s is fairly widespread among 14 and 15 year old adolescent smokers.

DISCUSSION

These data provide a snapshot of 14 and 15 year old adolescent smoking habits in the seven days prior to the survey and whether or not they had purchased packets of 15 during the previous month. From the results of the adult and adolescent surveys, the greatest impact has been on the adolescent market. This is *ipso facto* a successful marketing campaign and it begs credibility to imagine the tobacco industry had no expectation that such advantages would accrue from selling cigarettes in packets of 15. The promotional campaigns of cigarette companies are extensively researched; campaign material is thoroughly pretested and data on age and sex trends in smoking is continuous and detailed.

If one works back from the advertising message of Alpine 15s to its likely precampaign market research report, it is not difficult to suggest the sort of thinking behind the campaign: lack of money mitigating against purchase of larger packs, concern to conceal cigarettes from teachers and parents and the usual concerns to look attractive, sexual and so on. Given the sophisticated marketing methodology available to tobacco companies, the conclusion which must be drawn is that price and concealment were known to be important purchasing factors among adolescents prior to the development of the campaign and had little or no appeal to adults.

The price difference between 15s and other packet sizes is substantial. Table 5 shows the recommended retail price of the six preferred adolescent brands and the proportion of the market they enjoyed (3.8). It can be seen that at a packet price of $1.12 for Peter Jackson 15s and $1.28 for Alpine 15s, these smaller pack sizes are much more attainable on an adolescent budget.

Price has previously been shown to be a factor in the demand for cigarettes. Stone demonstrated that price elasticity of demand for tobacco was .5. That is, a 1 per cent increase in price would reduce consumption by .5 per cent (5). Other estimates since Stone have ranged from .12 to .65 per cent (6). Lewit *et al* (7) have suggested that elasticity of demand for young people is much higher than that for older smokers.

It follows from the work of Stone and others that if adolescents did not have available to them these cheaper brands, or the price was raised considerably, or packaging in a way that is more appealing to adolescent budgets was prohibited then the current popularity of 15s would be reduced considerably.

A number of tobacco executives have gone on record as saying they do not market cigarettes to minors (9, 10, 11). If this is so, then it is the responsibility of Governments and public health authorities to ensure they do not. Some of the options which could be considered by these authorities to prohibit novel marketing methods or ensure that tobacco companies have less flexibility to manipulate price elasticity of demand for tobacco products are as follows:

1. The State could legislate on pack size, prohibiting the packaging of cigarettes in amounts less then 20.
2. The Commonwealth could increase excise duty for tobacco across the board (this would apply to increase the price of all cigarettes).
3. Excise duty could be increased on a differential rate (this would apply to increase the price of smaller packets).
4. The State licence fee could be increased in either of the two ways suggested in 1 and 2 above.

If we fail to take strong action against the well targeted marketing methods of tobacco companies then the adolescent smoking rates recorded in this study are likely to remain high. This is especially alarming given the high proportion of young females who smoke and the fact that South Australian Cancer Registry data for the period 1977 to 1984 show that lung cancer rates among women are increasingly significantly (12).

There follow tables 1, 2, 3, 4 and 5, and 12 references at the back of the paper. I seek leave to have those incorporated in *Hansard* without my reading them.

Leave granted.

TABLE 1: Percentage of adolescents who smoke cigarettes by sex

Sex	Male		Female		Both Sexes	
	No.	Per Cent	No.	Per Cent	No.	Per Cent
Smoke	118	(35.1)	145	(46.3)	263	(40.5)
Do Not Smoke	218	(64.9)	168	(53.7)	386	(59.5)
Total	336	(100.0)	313		649	

TABLE 2: Mean number of cigarettes smoked per week, by age, sex and socioeconomic status for smokers

AGE	SES	Males No.	Males Mean	Std Dev.	Females No.	Females Mean	Std Dev.
	Low SES	6	24.33	27.33	24	27.67	22.67
14 years	Medium SES	10	32.00	23.78	15	18.33	19.07
	High SES	40	23.75	25.11	46	15.34	22.77
	ALL	56	21.71	23.59	85	19.35	22.56
	Low SES	2	31.00	42.42	13	36.38	28.46
15 years	Medium SES	9	35.44	21.27	12	36.83	27.46
	High SES	30	27.33	25.39	17	20.41	24.86
	ALL	41	29.29	24.79	42	30.04	27.39

TABLE 3: Smokers who purchases a packet of 15 cigarettes in the month prior to the survey, by age and sex

	Male						Female					
	14 yrs		15 yrs.		Total		14 yrs.		15 yrs.		Total	
	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent
Bought 15s	40	(60.6)	28	(53.8)	68	(57.6)	52	(54.7)	28	(56.0)	80	(55.2)
Did not buy 15s	26	(39.4)	24	(46.2)	50	(42.4)	43	(45.3)	22	(44.0)	65	(44.8)
	66	(100.0)	52	(100.0)	95	(100.0)	95	(100.0)	50	(100.0)	145	(100.0)

TABLE 4: Reasons given by 14 and 15 year old adolescents for purchasing a packet of 15s

Reason	No.	Per Cent
Price	103	(67.3)
Easy to conceal packet	21	(13.7)
Reduce smoking	16	(10.5)
Other	13	(8.5)
Total	153	(100.0)

TABLE 5: Preferred cigarette brands of 14 and 15 year old male and female adolescents, by percentage market share and price.

Males		Per Cent	Females		Per Cent
Escort	37	2.17	Escort	42	2.17
Benson & Hedges	6	2.02	Alpine	6	2.17
Winfield	4	2.12	Benson & Hedges	4	2.02
Peter Jackson	2	1.95	Winfield	4	2.12
Marlboro	2	2.16	Sterling	4	2.15
Sterling	2	2.15	John Player	3	2.11

References

1 Moser CA, Kalton G. Survey methods in social investigation. London: Heinemann, 1977: 118-187.
2 Personal Communication with the Australian Bureau of Statistics.
3 Anti-Cancer Council of Victoria. Smoking among South Australian schoolchildren aged 12-17. A report on a survey conducted in 1984 sponsored by the Anti-Cancer Foundation of the Universities of South Australia 1984.
4 Profile S.A. Management Consultants. Cigarette tar content awareness survey research report. South Australian Health Commission April 1986.
5 Stone R. The analysis of market demand. J. of Royal Stat. Soc. 1945; CVIII (New Series): 286-382.
6 Atkinson AB, Townsend JL, Economic aspects of reduced smoking. *The Lancet*. September 1977: 11 (8036): 492-4.
7 Lewit EM, Coate D, Grossman M. The effects of government regulation on teenage smoking. J of Law and Econ. 1981; XXIV: 545-569.
8 South Australian Mixed Business Association. *South Australian Mixed Business Journal* 1986 May: 48-50.
9 Exploitation of children claim. Cigarette company accused of ulterior motive behind new packaging. *The Mercury* Hobart 1985 May 31: 22.
10 Young A. Small packs of cigarettes aimed at youth: Drug specialist. *The Age* Melbourne 1985 May 5: 17.
11 McDonnell D. 'Cigs pitch to children'. *The Sun* Melbourne 1985 May 31: 7
12 Bonnet A., Roder D. Epidemiology of Cancer in South Australia, 1977-1984. Incidence, mortality and survival. Central Cancer Registry Unit. S.A.H.C. 1986: Series 7.

The Hon. J.R. CORNWALL: So, that is the report. As I say, I hope I have not prejudiced its chances of being reported in the *Journal of Community Health Studies*.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I think the *Journal of Community Health Studies* is probably in wider circulation and perhaps in more influential health circles than the South Australian Legislative Council *Hansard*. I think I have said quite enough and I rest my case. We have introduced this clause, obviously, on the recommendation and at the urging of concerned parents, of the anti-smoking lobby, of a very large number—indeed, obviously, the majority—of decent South Australians and, of course, of the concerned and responsible scientific community.

The Hon. L.H. DAVIS: I return to the subject of the cigarettes imported and sold through specialty tobacconists. I took up this point some time ago and was not at all satisfied with the response of the Minister. I am less satisfied now, given that he has made quite clear that he wants to restrict the sale of cigarettes by retailing packages containing less than 20 because, in this way, he believes it will contain young people taking up smoking.

As I hope the Minister will be aware, the fact is that the vast majority of people who buy European and Asian packs of less than 20 through specialty tobacconists are mature people. I have actually spoken to Mr Tunney, who is the leading specialty tobacconist in South Australia, and he has confirmed that. By banning those cigarettes he is, in effect, discriminating against ethnic minorities—people who are mature, almost invariably aged. I am interested to know whether the Minister agrees with the proposition I am making, and I make it with some force, and whether he would consider seeking a way of exempting them if he is committed to pursuing clause 4 (3).

The Hon. J.R. CORNWALL: My concern in this legislation is primarily South Australian children. The sales in

the area that Mr Davis is pursuing so vigorously would not represent a blip on the overall cigarette market in this State; it is so small as to be almost infinitesimal. It is very much a specialty market and these cigarettes are, as Mr Davis indicated, sold by specialty tobacconists. It is quite possible for them to be packed in such a way that they would not be sold in less than 20s. There is an important principle at stake here and I am not prepared to compromise.

The Hon. L.H. DAVIS: The Minister has admitted that the sales of these cigarettes are just a blip in total retail sales. That, of course, is accepted. That really strengthens my argument that it is absurd to ask people who have perhaps come from European or Asian countries and who have smoked these cigarettes for perhaps 10 or 20 years and smoke them only occasionally after a dinner to give up a lifetime habit, a pleasurable experience for them. I would have thought that that is unreasonable and, as I have said before, it is quite clearly impinging on ethnic minorities. I would have thought that is something that tnis Minister is not about.

Has the Minister had discussion with or contact from tobacco companies with respect to 15-packs, which are the subject of subclause (3)? Has there been any suggestion of a trade off between the Minister and the tobacco companies? Has there been any discussion on this particular point?

The Hon. J.R. CORNWALL: Yes, I made a very generous offer of a trade off: I suggested that I would put to my Cabinet colleagues that we should seriously consider withdrawing the proposal to ban the sale of cigarettes in packs of less than 20 if the tobacco companies would accept in return that we should ban the sale of cigarettes in packs larger than 20. I thought that that was a very fair offer.

If, as they allege, most young people take up their smoking using packs of 25 and 30 it would have been very much in line with their stated policy that they would never do anything to encourage smoking by minors. However, they did not seem to be at all attracted by my proposition.

The Hon. L.H. DAVIS: We had an earlier comment from the Hon. Mr Elliott suggesting that the survey by the Health Promotion Unit, which the Minister has quoted at length, was in fact perhaps done at a peak time, in the sense that it coincided with some heavy advertising of packs of 15. I understand that at least one company has suggested that it is prepared to modify its advertising position regarding packs of 15. I will not take up the Minister's suggestion that he would be prepared to have packs of 15 if packs of 20 or more were banned.

The Hon. J.R. Cornwall: No, more than 20.

The Hon. L.H. DAVIS: More than 20. I will not take that up, but I understand that one cigarette company was prepared to say that it would cease advertising packs containing less than 20 cigarettes in newspapers, magazines, other publications, and on billboard posters throughout Australia. I would have thought that that was a fairly reasonable offer. I understand that it was prepared to pay for some of the cost of advertising warning signs for retail outlets incorporating increased fines for selling cigarettes to juveniles. Was the Minister prepared to consider that as a reasonable *quid pro quo*?

The Hon. J.R. CORNWALL: As agents for the tobacco companies in this debate, the Hon. Mr Davis and his colleague the Hon. Mr Lucas obviously have been extremely well briefed. Everything that the honourable member says is quite accurate. But I am not prepared to consider the offer, no. The whole thrust of the legislation is to make smoking an anti-social habit. For that I remain completely unapologetic. The whole thrust of the legislation is to try, as part of a multi pronged approach, to have a smoke free generation, to a significant extent at least, by the turn of the century.

That is consistent with the multi pronged approach that we have developed for substance abuse generally. We are conducting a wide range of programs, including protective and preventive education from reception to year 12 in our schools. We are continually developing programs to educate young people about the dangers and the harm of substance abuse. Whether that involves a legal drug of addiction, such as nicotine, or an illegal drug of addiction, at the end of the day they are both very harmful.

The Hon. Mr Griffin, who is the Opposition spokesman on substance abuse matters, is urging that we should develop a Life Education Centre campaign in this State. We are indeed developing a 'learning about life' program, which in many respects is similar to the Life Education Centre's campaign of the Reverend Ted Noffs. We have adapted our own from a program undertaken in Chicago, and it is all about telling young kids, from the time they are five years old right through until they finish at high school, that the body is a wonderful mechanism and that there are many things that one can do to have it function in the best ways possible; that, for example, there are the right sorts of foods to eat to make it function at peak, and that one can in fact get a real buzz out of life by being fit and by keeping that wonderful body that one has been provided with in the first place in top shape.

The Hon. M.B. Cameron: Like you down on the beach!

The Hon. J.R. CORNWALL: That's right. I wish I had started 30 years earlier.

The Hon. L.H. Davis: Do you approve of the Reverend Ted Noffs' campaign? Do you like the idea?

The Hon. J.R. CORNWALL: Not the way it is done. I do not approve of the levels of hysteria that Ted generates in the course of his anti-drugs campaigning. I think we can do without that in South Australia. There really is not much virtue in raising levels of concern to levels of hysteria. If we are serious about the ongoing campaign against substance abuse, of course we must do it based on fact and we must target those substances in our community that do the greatest harm. The greatest single preventable cause of premature death and disability in this State is tobacco. We have validated figures which show that each year more than 1 200 South Australians (and again this is our own validated research undertaken by our own highly qualified scientific people) die prematurely or are afflicted with chronic disabling diseases which substantially affect their quality of life. As Health Minister I have a duty—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: There are 300 killed on the roads, but 1 200 are killed by cigarettes. If one uses simple mathematics, it can be seen that cigarettes are four times the problem. Each year 1 200 deaths result from tobacco smoking—it is the greatest preventable cause of death. That is a statistic. Quite obviously, if we are fair dinkum about cutting down substance abuse, then nicotine, the highly addictive drug contained in tobacco, must be very high on the target list.

The Hon. L.H. DAVIS: Unfortunately, I was called away and I did not hear all the statistics relating to the survey which the Minister read into *Hansard*, but I was interested that, in the part I heard, no reference was made to whether or not children of 14 or 15 years of age shared their cigarettes. I would have thought that the mateship, which is very much a feature of Australian life, would be very much a feature of cigarette smoking. Kids who buy packs of 15, 20, 25 or 30 would not smoke them by themselves; they would share them around. The Minister has said that, by

banning the sale of packs of 15 (and South Australia would be the first State in Australia and the first place in the world to do that), he hopes to reduce teenage smoking by some 6 per cent.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: I am sorry, I thought that you quoted that figure.

The Hon. J.R. Cornwall: I said that I would be pleased if it did.

The Hon. L.H. DAVIS: You said that you would be pleased if the figure was reduced by 6 per cent, but the point is that, if the Minister is pleased with that figure, it means that a lot of kids will buy bigger packs than they were buying previously; they will buy packs of 20, 25 and 30. Has the Minister had any evidence, either from that survey or elsewhere, to indicate the consumption habits of children? It is my view and observation that invariably children share their cigarettes. It is a communal pack; it is not an individual pack, as may be the case with an adult's packet of cigarettes.

The Minister should really restrain himself and understand that, when people make remarks which may be in opposition to his views, they are not necessarily agents of tobacco companies; they simply have a different point of view. Parliament gives people an opportunity to put a point of view, particularly during the Committee stage, and I resent the suggestion that I am an agent of the tobacco companies. For the most part, the people who argue against particular aspects of this Bill are non-smokers, or they are not regular smokers. None of us are regular smokers, so the Hon. John Cornwall, when he makes those allegations, does himself a disservice and misleads anyone who may read *Hansard*, because the allegations simply cannot be substantiated. I have gone on record, with the Hon. Mr Cameron, who is the shadow Minister of Health, and with the Hon. Mr Lucas with respect to certain aspects of health and smoking. The fact is that we do not live in a perfect world. The Minister of Health's capacity for verbal abuse and his attack on McGregor Harrison is a reminder to us all of that fact. Does the Minister have any evidence about children's consumption habits of cigarettes?

The Hon. J.R. CORNWALL: This technicolour advertisement is an example of mateship—those who share their cigarettes together die together. Wonderful!

The Hon. L.H. Davis: The companies have said that they are prepared not to advertise any more.

The Hon. J.R. CORNWALL: I am happy to accept it if they are prepared not to advertise any more. I think you will find that they have not said that they are prepared not to advertise any more. I have sent the report to *Hansard*, so I do not have it.

The Hon. L.H. Davis: With 15s, they have.

The Hon. J.R. CORNWALL: With 15s, they have, yes.

The Hon. L.H. Davis: This is what we are talking about now.

The Hon. J.R. CORNWALL: We are talking about your gratuitous abuse and denigration of me; Lucas's abuse and denigration of me; and Cameron's abuse and denigration of me. Every time you get to your feet it is to attack me personally, and then you have the gall to say that the Minister does this, that and the other. Really, you are filibustering and you are not answering questions which remotely—

The Hon. L.H. Davis: You have not answered this question.

The Hon. J.R. CORNWALL:—and they are such silly questions—relate to the survey. There is the idea of mateship: those who smoke together die together.

The Hon. L.H. Davis: The proposition I put is that it does not matter whether it is a pack of 15, 20 or 25.

The Hon. J.R. CORNWALL: I do not think that the survey dealt with the habit of kids in sharing their cigarettes. We surveyed in some detail their consumption patterns, and this clause in the Bill is as a result of scientifically based research.

The Hon. L.H. DAVIS: My colleague, the Hon. Martin Cameron, and I have been on two select committees looking at random breath testing, and we are not unfamiliar with the damage done on the roads by drunk drivers. Mr Cameron quite correctly made the point that some 300 people die on South Australian roads each year, and one could imagine that of that number about 125 to 140 would die as a direct result of drunk drivers. That is just one aspect of the alcohol problem and, as the Minister would know, it is said that about 10 per cent of all people in hospitals are there because of alcohol problems.

The Hon. J.R. Cornwall: A lot more than that. You are miles too low. It's more like 20 per cent.

The Hon. L.H. DAVIS: The Minister is talking about 20 per cent. In other words, he has admitted that alcohol is indeed a problem. The Health Promotion Unit should really be renamed the Anti-Smoking Unit, because I have seen very little evidence of other things stemming from it. The Minister lives in a town that has a Fosters Grand Prix and where wine coolers are sold to kids.

The Hon. Carolyn Pickles interjecting:

The Hon. L.H. DAVIS: If we want to talk about analogies, for the benefit of Hon. Ms Pickles, let us talk about this analogy while we are on clause 4 (3). The fact is that we are seeking to ban the sale of cigarettes by retail in a packet containing fewer than 20 because we believe that kids will become hooked on cigarettes and it is easier for them to buy a smaller pack.

That is the Minister's argument, and I am not distorting that fact at all. The same premise could be used with respect to wine coolers—that they are a come-on for kids. I wonder whether the Minister will be consistent. What is his view about wine coolers? What is his view about the Fosters Grand Prix and all the flags around town? What is his view about advertising warnings on alcohol labels in the same fashion as he is doing on cigarette packets? If the Minister is going to be consistent, he should be addressing these things as well. I am not suggesting that I would take that line, because I have been on record previously saying that we do not live in a perfect world. If products can be legally sold, I believe that there should not be excessive zeal in curbing their advertising and sale. I would be interested to know the Minister's reaction to that proposition because it is germane to the debate that we are having on clause 4 (3).

The Hon. J.R. CORNWALL: I am pleased to respond to two specific points. First, in relation to wine coolers and the impression which is conveyed that they are low alcohol, I am waiting for a report from the Chairman of the Drug and Alcohol Services Council as to what action might be appropriate in that area. I believe there is a problem. I understand that wine coolers have an alcohol content of around 6 per cent, and they are very much in favour among young people, particularly young women—indeed, girls.

I recently had the experience of going to a large function which was attended by about 1 000 people. I was quite concerned about the level of obvious intoxication in teenagers at that function, and from my observation there was a high consumption of wine coolers during the course of the evening. I have asked the Chairman of the Drug and Alcohol Services Council to report to me in relation to the current situation with wine coolers and what we ought to be doing about them.

With regard to the Fosters Grand Prix and the promotional material, I will speak personally. It is my view that in local terms Fosters has probably overdone it to the extent where it has caused some community resentment. Fosters pays very good money for its sponsorship and it is entitled within the terms of that sponsorship to get every last square centimetre of exposure possible on the Grand Prix circuit. In that sense I wish it well in its worldwide promotion. Carlton and United Breweries, with John Elliott very much up front, has now become a company known in many countries around the world, and it is a generous sponsor of the Grand Prix. As I said, in that sense I wish it every success, and I am unstinted in that.

However, it is my personal observation that there is in the community a significant number of people, and particularly young people, who have expressed some degree of resentment at what appears to be almost a Fosters takeover of the city of Adelaide. Where that promotion occurs well away from the Grand Prix circuit or anything associated with it, I think it is just a matter of fact—not a criticism but an observation—that to some extent in a significant segment of the Adelaide population it may be somewhat counterproductive. I stress that that is purely a personal observation. I am not expressing an opinion: I am not saying that it is counterproductive or otherwise. But, certainly, a number of people have expressed that opinion to me—particularly friends of my children, who tend to be in their late teens and early twenties.

The Hon. L.H. DAVIS: As we have said on more than one occasion, this clause is designed principally to discourage young children from smoking. Penalties already exist for retailers who are caught selling tobacco products to minors. Of course, this Bill does increase the provisions for fines for people selling tobacco products to minors. Can the Minister advise the Committee whether or not any retailers have been prosecuted for offences concerning the sale of tobacco products to minors?

The Hon. J.R. CORNWALL: I do not believe so. The point has to be made that this is a difficult piece of legislation to police. The requirements for displaying tar, carbon monoxide and nicotine content, and so on will be very easy to police. Inspectors will, hopefully, use health surveyors who, in the course of their routine duties, can check whether or not appropriate signs are being displayed and, if not, initially at least, I hope that there will be a system of cautions.

I have also given a very clear undertaking to the Executive Officer of the Mixed Business Association that prior to the proclamation of various parts of this legislation we will mount an extensive public education campaign. That campaign will be directed not only at proprietors of small businesses, delicatessen owners, hoteliers and various retail outlets selling cigarettes but also at the public at large. It will be a factual public education campaign so that the public are well aware of the new laws and so that retailers are also well aware of their obligations under the law. The campaign will be designed in such a way that the vast majority of South Australians will be reasonably well acquainted with the various aspects of the legislation in advance of its proclamation.

The other point I make is that obviously prosecution would follow persistent breaches of the law. It would not be my intention in the first instance that there should be an army of officious inspectors out there looking to maximise the number of prosecutions that they can make. In the early stages of the operation of the legislation a great deal of emphasis will be placed on educating people about their responsibilities under the legislation. To a significant extent, in the early stages there would be more education than prosecution.

The Hon. L.H. DAVIS: The Minister will be well aware that I find it absurd that packs of 15 are to be banned under this proposal. The Minister has claimed that he is confident that by banning packs of 15 the instance of smoking among children will be reduced. I presume that studies by the Health Commission or other people commissioned by the Health Commission will be conducted on a regular basis. If, for example, packs of 15 are banned (assuming that that does take place) and the incidence of smoking among young children increases, because it is found that instead of buying packs of 15 they are buying packs of 20, 25 or 30 (given that pricing can be adjusted to make them just as attractive as packs of 15), would the Minister consider amending this legislation?

I remain extremely sceptical about this measure. Far from reducing the effect of smoking among teenagers, it has the real prospect of increasing it because those kids who are buying packs for themselves and their mates when they go to a party, to the bar or the beach will, instead of buying 15s, be buying packs of 20, 25 or 30. One can mount a strong argument that there is a real prospect that the incidence of smoking will increase among children rather than decrease as a result of the measure we are now debating.

The Hon. J.R. CORNWALL: It is hard to take Mr Davis seriously at this stage of the evening. I cannot work out what he is doing. However, I will give him the benefit of grave doubt and treat his question seriously. My strategy as Minister of Health (and I have my colleagues' support in the matter) is to take whatever reasonable action we can, legislatively or administratively and from the viewpoint of education, to reduce the incidence of smoking in the community at large, particularly among teenagers, and to stop children from taking up the habit. We have a whole range of strategies in our armamentarium, and they will all be employed in a greater or lesser degree over the next decade. If our surveys show that further action is necessary, as our surveys will from time to time, whether it be legislative, administrative or any other action that is reasonable, then it will be my proposition that we ought to take that action.

The Hon. L.H. DAVIS: The Minister really should think through clearly the implication of what he is saying because I do not accept the validity of the argument he has put in relation to subclause (3). I am wondering whether he is prepared to accept an amendment to say that packs of 20 or less shall not be sold if three States and the Commonwealth pass similar legislation. That is a reasonable compromise and I ask the Minister to reflect on that. It will give the opportunity for further research on the subject. I remain unconvinced by the research the Minister has presented tonight.

The Hon. J.R. CORNWALL: No, I do not accept that.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, and R.I. Lucas.

Noes (10)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 5—'Importing and packing of tobacco products.'

The Hon. J.R. CORNWALL: I move:

Page 2—

Line 22—Leave out 'month' and insert 'financial year'.

Line 29—Leave out 'month' and insert 'financial year'.

These amendments simply bring us into line with Victoria. We have always attempted to get some measure of uniformity between the States. We have tahe support of the industry in this matter.

Amendments carried; clause as amended passed.

Clause 6—'Cigars.'

The Hon. M.B. CAMERON: The Minister's amendment comes before the amendment that I have on file, but it might assist if I indicate that I will not proceed with my amendment because, as I explained earlier, I would have to do something about definitions. The Minister has said that he will not impose the condition that there be warnings on packets of cigars unless Victoria proceeds in that direction, and according to commonsense provisions. I support that point of view. The Minister has made quite clear that he will not require warnings for single cigars. It is common for cigars to be handed out at various functions, and it would make things very difficult, as the majority of cigars come in packets, if every cigar that one handed out at a function had to carry a warning on a rotating basis. That would be costly and time consuming.

Cigars are not now packaged in Australia: the majority are packaged in New Zealand. It would not be appropriate for a separate package to be produced for South Australia. I have some interest in this area, because I have been told that cigars do not cause health problems, although counter views have been put. I hope that the Minister and his advisers will listen carefully, and I would be interested to receive any information on research that has been carried out in this area to ascertain whether cigars in more recent times have proved to be a problem and whether they have been shown to cause health problems.

As everyone knows, cigar smokers tend not to inhale cigar smoke. Cigars annoy people like me who have to put up with the foul smell. Frankly, I find them very offensive in confined places. My father, whom the Minister knew extremely well, was a great cigar smoker. That created difficulties between us: he had a tendency to smoke cigars in cars or in confined spaces, so we did not travel together a lot for that reason. Cigars are probably the least acceptable form of tobacco smoking, but that is a personal opinion: it is a question of what people find acceptable or unacceptable.

I believe that this Bill goes too far. This matter, particularly the smaller pack, has been canvassed extremely widely by some members. However, the Committee has made a decision on that matter and members will have to accept the view of the majority.

The Minister has indicated that he believes that the Opposition is filibustering on this matter. I want to make one thing absolutely clear: I am the person who is in charge of the Bill from the Opposition's point of view, and there is certainly no attempt on the part of the Opposition to filibuster the matter. It is intended, though, to probe the matter very carefully in the Committee stage, because it is a very serious step we are taking towards very strong controls on a particular product, and one that we consider very seriously.

As I have indicated to the Council, I think that, if the Minister moves his amendments and reassures the House that he will not be enforcing a provision that warnings have to be on single cigars, or that he will not proceed to insist that they be on packets unless Victoria moves in the same direction then, on what one would consider to be a commonsense basis, I would certainly have no problem with these amendments to this clause.

The Hon. J.R. CORNWALL: I shall move the amendment standing in my name and give the twin assurances with regard to single cigars and packets or boxes that we will not do anything by regulation which is more stringent than the Victorians may do. I move:

Page 2, lines 34 to 37—Leave out this clause and insert clause as follows:

6. Notwithstanding any other provision of this Act, where no health warning is prescribed in relation to a tobacco product of a particular class—

(a) a tobacco product of that class need not be enclosed in a package; and

(b) a package that contains a tobacco product of that class need not (provided it does not also contain a tobacco product of a class in relation to which a health warning is prescribed) display a health warning.

Amendment carried; new clause 6 inserted.

Clause 7 passed.

Clause 8—'Notice of tar, nicotine, etc, content of cigarettes.'

The Hon. J.R. CORNWALL: I move:

Page 3—

After line 4—Insert new line as follows:
Penalty: $500.

After line 7—Insert new line as follows:
Penalty: $500.

The Bill as it originally came in would have seen these two offences classified as a summary offence and, therefore, attracting a maximum penalty of $2 500. These two penalties will apply to retailers. The $2 500 penalties, where they do apply in some instances, are clearly intended to apply to wholesalers or are clearly intended, as in the case of confectionery look-alike cigarettes, for example, to ensure that those cigarettes are withdrawn from sale completely. They are not intended in that sense to apply to retailers, but these two penalties do apply to retailers and it seemed to me that a maximum penalty of $500 in those circumstances was far more realistic. It was a matter that we negotiated in a spirit of great cordiality with the Mixed Business Association representative, and it is not only a commonsense thing to do but it meets an undertaking which I gave to Mr Sheahan.

The Hon. M.B. CAMERON: I have no difficulty with this amendment. I think that it is very sensible to take this step. It is one of the examples of lack of consultation that occurred in the drawing up of this Bill, because if this matter had been the subject of reasonable consultation we would not have needed to move an amendment such as this.

I suggest to the Minister that either he or his advisers need to learn a bit about consultation with people who are to be affected by legislation. It may be that some of his advisers are new to the job, but it is a good idea to take into account the fact that it is a normal courtesy, and should be a requirement, of Ministers advisers that they go to various areas that are to be affected, particularly sensitive areas such as small business, to discuss matters with them. It is unfortunate that some people have been considerably upset on finding that their businesses were being placed in a very difficult position by what can clearly be regarded as extreme penalties.

Amendment carried.

The Hon. M.B. CAMERON: I move:

Page 3, lines 5 to 7—Leave out subclause (2) and insert subclauses as follows:

(2) The notice—

(a) must be at least 600 square centimetres in area;

(b) must be displayed in a manner and position that is likely to attract the attention of persons who purchase cigarettes,

and the words and figures comprising the notice must be easily legible;

(3) A person who sells cigarettes by retail shall make copies of the notice available to persons who purchase cigarettes from him or her.

This amendment relates to signs which must be displayed in retail stores. I have had private discussion with the Minister on this matter and can assure him that this particular move is taken on the basis of what I consider to be a reasonable proposition. I am concerned that retailers should know, at least approximately, what they will be required to display in their shops. I do not want these signs to become the one and only display mechanism.

I have strong thoughts about the provision of information other than by way of a sign, because it is of some concern to me that these sorts of signs become just a bit of wallpaper after a while and tend to disappear behind the confectionery counter or some other display. It is all very well to say that they must be displayed in such a way as to attract the attention of persons who purchase cigarettes, but that is a matter or judgment and it is hard to keep a continuous survey on every premise selling cigarettes.

I have received an indication that some parts of the industry would be prepared to supply the notices that I have outlined with the necessary information on them. I believe that that was a genuine offer. That would assist the Health Commission in its present stringent financial circumstances, which are causing a fair bit of anguish in this area at the moment. The Mixed Business Association expressed some concern to me about this matter. That is one part of the small business area that was not consulted about this Bill at all at the beginning. It was as a result of consultation that I decided to move in this direction.

The restaurant association also expressed some concern to me. Of course restaurants sell cigarettes. During the second reading the Minister said that he could not understand what the restaurants had to do with this matter. The problem arises because they do sell cigarettes to customers and they would be required to display these signs. I have no problem with that. It is just that I am concerned about the size of the signs. Various rumours have gone around about the size that will be stipulated. I think it would be a good idea to clear up at this stage these rumours.

The one way to do that would be to provide the details. A 2ft × 3ft sign has been mentioned to me. It would be extremely difficult to fit that into a small business area, such as in a delicatessen. I believe that I have stipulated a reasonable size, namely, an A4 paper size. If the Minister believes that that size is not appropriate, I am happy to discuss the matter with him. The amendment also provides that copies of the notice are to be made available to customers at a shop. I ask honourable members to support the amendment.

The Hon. J.R. CORNWALL: The Government opposes the amendment. I have given the matter some careful consideration. By and large, it is too restrictive. It is about an A4 size. Let me point out what is proposed. The notice will be in a form approved by the South Australian Health Commission and it will be an updated version of the Commonwealth Department of Health table, which is relatively comprehensive. I shall refer to this matter further in a moment. Suggestions have been made in the industry (and this has been part of the scuttlebutt campaign, I guess) that the required sign will be very large and an onerous burden. People have talked about signs measuring 2 m × 1.5 m or 6ft × 4ft—which, indeed would be a very big sign in an ordinary suburban delicatessen. I point out that that speculation is quite incorrect.

The two forms that will be applicable will be designed by the Health Commission. One will be for specialist tobacconists, and, of course, there are comparatively few of those outlets. If they are carrying 120, perhaps up to 140 brands, they will be required to display the tar, nicotine and carbon monoxide yield of all those brands and, clearly, they will need to have a quite extended version of the table. On the other hand, most delicatessens and the average outlets, if you like, will need to display a substantially smaller sign, potentially containing no more than details of about 30 brands. The Health Commission has discussed this matter with both the industry and the retailers, I might say that the retailers were not unhappy with the proposal, once it was explained to them.

We are seeking advice on the most common brands sold by non-specialist shops, in order to prepare the smaller list. We have not had the cooperation of the industry in that, but I hope that we will get the cooperation of organisations such as the Mixed Business Association, because it is in their interests to produce something that is sensible with 30 or 35 of the most common brands referred to, whilst at the same time assuring the average delicatessen owner that by displaying the table showing details of 30 or 35 brands that owner will be meeting the spirit and intent of the law.

If, per chance, a 36th brand came up, then some over zealous health surveyor or other officer will not descend on a delicatessen owner and invoke the full rigour and vigour of the law. So, there is an element of commonsense in the whole business. Where new brands are introduced prior to the Health Commission's updating its list, it is likely that the industry will provide an adhesive label in the manner and form of the table that can be put on to the list.

I think that the Opposition has very responsibly and sensibly considered the fact that one of the things that might be suggested is that this will be a difficult and costly process for the Health Commission. Members should be aware that State Treasury, through its business franchise legislation, maintains a label run of persons selling tobacco in the State and therefore the initial sending out of the form and updating the brands that are being sold as required, without any breach of confidentiality, will not be a difficult process. The Commonwealth table is produced approximately every two years. Considering the huge costs on the health system caused by the ill effects of tobacco use, I think this comparatively small cost, if it is seen as an exercise in preventive medicine, will be easily recouped in later years if smokers heed the advice and switch to less dangerous cigarettes.

We see this as being a significant alternative for those people who are unable to give up their nicotine addiction. We believe that it is a very constructive move, for which, I am pleased to say, we appear to have the support of the tobacco industry, and I thank them for that. Clearly, there are a number of other areas in which there is substantial disagreement, but on this matter there appears to be some measure of agreement. Having said that, I think it becomes obvious that we need some flexibility. I can give an undertaking that we will be pragmatic, flexible, sensible and sensitive in our approach and that, at the end of the day, obviously there will be two—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I was going all right until you came in. You stay out of this for the moment. Obviously, one has to blow that up somewhat. I suggest that the A4 size is too restrictive for the average delicatessen and we may look at something twice that size. We are certainly not looking at a sign that is 2 metres by 1 metre or 6 ft by 4 ft but, rather, something that is perhaps about double A4 size and, naturally, something that is substantially bigger than this document, but only in the case of specialist tobacconists. We prefer the flexibility and therefore we do not accept the amendment, but that opposition is not done in any spirit of great anger; it is done more in a spirit of compassion, concern and commonsense.

The Hon. M.B. CAMERON: I think it is a pity that some sort of guidelines have not been laid down. The Minister said that, as a result of scuttlebutting, certain problems have arisen with the Mixed Business Association. If there had been proper consultation with individuals and the small businesses who would be affected by this Bill, then a lot of the scuttlebutt would not have started. If those sort of assurances which he has now given them (and I accept that they are now probably content with them) had been given in the beginning, then it is quite possible that I may not have had to proceed with the amendment.

The problem with this Bill has been that somewhere along the line there has been a total breakdown of communication with the people who would be affected by it and the Minister knows that that is exactly what happened. I know it because, as is proper in my role as shadow Minister of Health, I wrote to every organisation that would be affected by the Bill. I received some quite surprising answers in relation to a lot of matters, including from the Mixed Business Association. I was very pleased that, as a result of that, the Minister was provoked into discussing the matter with this organisation, which I found to be very sensible but quite alarmed at the prospect of some of the problems facing it. I will refer later to the Mixed Business Association and the monetary penalties imposed on them for the sale of cigarettes to juveniles.

I accept that the Minister is not going to set out, as was originally feared, because in a vacuum of no knowledge any rumour goes wild and I think that that is probably what occurred. I accept his assurance—

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Not from me.

The Hon. J.R. Cornwall: Moneybags isn't averse to fanning the odd rumour.

The Hon. M.B. CAMERON: The only thing that fanned it in this case was the lack of knowledge because of the lack of consultation.

The Hon. C.M. Hill: What about these undertakings? Is the Minister going to honour them?

The Hon. J.R. Cornwall: Yes.

The Hon. C.M. Hill: You gave me an undertaking on the floor of the Council recently and you haven't—

The Hon. J.R. Cornwall: No. Terry Hemmings absolutely refuses—

The Hon. C.M. Hill: You told me you hadn't even consulted him.

The Hon. J.R. Cornwall: I have talked to him and he said, 'No'. He said 'You tell Murray Hill—

The Hon. C.M. Hill interjecting:

The CHAIRPERSON: Order! No conversation should take place while a member has the call, and the Hon. Mr Cameron has the call.

The Hon. M.B. CAMERON: I am getting a bit of advice from my adviser behind me.

Members interjecting:

The Hon. M.B. CAMERON: I will ask members to vote on this amendment, because I think it should be laid down that we had a very clear point of view on the matter. I am very pleased that the Minister, in spite of his lack of consultation, has now given some indication, and we will be watching very closely, if my amendment is not passed, at the regulations that come in to see that it is kept within reason.

Where the Bill provides 'in a form approved by the South Australian Health Commission' will the Minister be prepared to make that subject to regulation so that we can have an idea of the size of the sign? That will give the Minister flexibility but gives us in this place some control over what occurs. I am not saying that the present Minister might not honour the agreement, but it might be some future Minister of Health whom we have to deal with, and it would be useful to have some control.

The Hon. J.R. CORNWALL: We would prefer not. It would be slow, time consuming and rather cumbersome. We would hope to have the flexibility to move quite quickly on this. To that extent I guess there is something of an act of faith involved. However, let me assure the Committee yet again that we will be completely practical and reasonable in the whole business. It is very much in our interests to be practical and reasonable. There is little point in getting hundreds, if not thousands, of retail outlets offside by imposing on them requirements which are cumbersome, expensive, unreasonable or likely to invoke considerable resentment. I have been around in politics long enough to know that one group of people one does not upset are the retailers who individually have contact with literally hundreds of customers every day.

The Hon. L.H. Davis: You certainly upset them when you did not consult them, as you know from the correspondence. I am talking about the Mixed Business Association.

The Hon. C.M. Hill: I think you knocked him out.

The Hon. L.H. Davis: Fifteen love; your serve.

The Hon. J.R. CORNWALL: He is just so corny and wet, it is beyond belief. I have a strong stomach but really my level of tolerance is tested by the Hon. Mr Davis and his clownish antics.

As I was attempting to say when the clown got into the act, the interest lies clearly in not upsetting large numbers of retailers. They have contact with literally hundreds of customers every day. I need them out there campaigning against me individually and collectively like I need a hole in the head.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: I am inclined to think that we might have reached some sort of satisfactory resolution concerning smoking in taxis. That is a matter that may unravel as the debate proceeds. I am anxious to reach that clause, because a couple of fairly sensible matters have been put to me tonight. I believe that the Bill will leave this place in great shape and that it will be a credit to the Democrats and the Government by the time we have finished with it.

The Hon. M.B. CAMERON: It will be a credit to the Opposition, too, because without us there would not have been any consultation. However, I do not want to get into an argument with the Minister at this time of the night. The Minister has said that he will not accept regulation, and he makes a very valid point with which I agree. If he does the wrong thing by delicatessen proprietors, the only people who can possibly gain out of it is the Opposition.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: The Minister has given it to us without any trouble at all. We are very happy with the Hon. Dr Cornwall as Minister of Health: he has been the greatest possible fillip to us. I plead with the Premier: under no circumstances remove the Hon. Dr Cornwall as Minister of Health because no matter how low he falls in the public mind, we want him there. The Minister of Health is our greatest asset.

The Hon. C.M. Hill: He's the best asset we've got.

The Hon. M.B. CAMERON: Yes, tremendous.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: No, not because of the Minister. That is why we had a record win in Mount Gambier—because the Minister of Health went down and helped. However, that is irrelevant. I will not go any further

in relation to that matter. Returning to the Bill, and not being distracted by the Minister's warblings, I will call for a vote on the amendment so that our position is laid down very clearly. Therefore, if there is any silliness by the Health Commission—and I have seen some silly things done by the Health Commission during my short time as shadow Minister of Health—

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: The Minister is not denigrating the commission—he is getting rid of some of them. In fact, 64 are going, and I hear that the Chairman is going, too. I will call for a vote on the amendment to lay down our position very clearly.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, and R.I. Lucas.

Noes (10)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. J.R. CORNWALL: I move:

Page 3, after line 7—Insert new line as follows:
Penalty: $500.

This amendment is in the same spirit and with the same intent as the other amendments I have moved in regard to penalties. It is self-explanatory and sensible, and I seek the support of the Committee.

Amendment carried; clause as amended passed.

Clause 9—'Sale of sucking tobacco and confectionery.'

The Hon. M.B. CAMERON: I move:

Page 3—
Lines 8 and 9—Leave out 'or confectionery that is designed to resemble a tobacco product'.

I find it somewhat wrong that we should be setting out to include sweets as a part of the Bill. I really do not think that they have the effect that people allege they have. From personal experience, there were always plenty of fags (or whatever they are called) around when I was a child, and they had no effect on me. I do not think that they have the effect that people are saying, and the idea of putting a penalty of $2 500 on the sale of a lolly cigarette is really beyond me. I frankly do not think that that is sensible.

The Hon. R.I. Lucas interjecting:

The Hon. M.B. CAMERON: One hesitates to give analogies like that, although they do come to mind. Commonsense has flown out the window somewhere along the line. I ask members to carefully consider this amendment standing in my name. I refer also to sucking tobacco, about which I do not know much. In fact, I had never heard of it before. I actually took the trouble to contact a friend of mine who resides in the United States and—

The Hon. R.I. Lucas: The Opposition consults very widely.

The Hon. M.B. CAMERON: Yes, and he assures me it is fairly common in the United States and is used quite a lot.

The Hon. C.M. Hill: Did you get permission?

The Hon. M.B. CAMERON: No, I did not get permission; I had to pay for the damn thing. I would be very interested to know just what exactly are the various scientific criteria that have been established which show this sucking tobacco or smokeless tobacco as a cause of oral cancer. That is the claim that is made, and it is one of the major reasons for it now to be banned with a $2 500 fine on its sale. I would be very interested to know what the evidence is, and I am certain that the Minister would not have proceeded without having this evidence available. I think it is fair enough if the Council is provided with this evidence. In moving the other amendment relating to lolly cigarettes, I ask the Minister that question. They are two separate issues in the one clause.

The Hon. J.R. CORNWALL: I am perfectly happy to speak to both of them. It seems to me that the Hon. Mr Cameron misses the point and misses it by the proverbial mile in both these matters. First, with regard to confectionery cigarettes, we have made it clear in discussions with the Mixed Business Association that in the case of vanilla sticks, which is simply a plain white confectionery stick, we will have no objection to that sale at all. What we are obviously trying to ban, and I mean ban in the literal sense, is the distribution of confectionery look-alike cigarettes which are packaged in—I do not think I have my proper bag with me, but everybody must have seen them—look-alike cigarette packs. They look like packs of Chesterfield, Camel, and so forth. They are obviously the sort of thing that little children buy, and it tends to create a climate as it did in my day that suggests—

The Hon. L.H. Davis: You used to smoke these behind the shelter sheds?

The Hon. J.R. CORNWALL: I started smoking behind the toilets when I was at boarding school at the age of 14. I was quite firmly addicted to nicotine by the time I was 16. I was addicted for more than 30 years and it took me 10 years to give it up. I know heroin addicts who have kicked the habit and rehabilitated themselves completely but have not been able to give up smoking. It is interesting to go to so-called drug free therapeutic communities around this country. You will hear stories from people living in those places or people who were formerly there and have managed to get back into the mainstream of life, but they are still smoking 30 or 40 cigarettes a day. It is an enormously heavy addiction.

With regard to confectionery look-alike cigarettes packed in look-alike cigarette packages, obviously that creates a social environment. It creates an atmosphere among children's peers which suggests playing at smoking and all the ritual that goes with it is socially acceptable. It is a known fact that one of the difficulties in giving up smoking is to give up the many hundreds of movements of the hand in taking the cigarette to the lips, which is involved with a smoker who smokes, say, 20 cigarettes a day.

It is very bad indeed (and any psychologist would be able to tell Mr Cameron this) for children to get into that sort of environment and think, 'I'm grown up. It's sophisticated and desirable to be seen with a cigarette or a look-alike cigarette in the hand' when they are as young as four, five or six years old. The thrust is to make the penalty so high that there will be no retail outlets, and no wholesaler would become involved in distribution. It is not a matter of this being a trifling offence: it is a question of creating an environment where smoking is not considered to be desirable, sophisticated, or something associated with maturity or being grown up. It is deliberately designed to back up our contention that smoking is a filthy, dirty habit.

I have a packet labelled 'Alpine', containing 10 pieces (it even transgresses worse than the 15s pack of Alpine). The cost is 55c for 10 Alpine look-alikes. I have another packet, some sort of illegitimate cross between Chesterfields and Marlboro: it shows a cowboy on a horse with an oxygen cylinder. Clearly, he has emphysema—even a veterinarian can tell that. That is the sort of thing that makes five, six and seven year olds think that smoking is sophisticated and

suave. It is not a question of its being a minor offence: this is a very serious business. It is a question of creating an anti-social environment.

Let us consider the latest evil to emerge on the market—Skoal Bandits or sucking tobacco. Anyone who suggests that we want that new evil in this State quite frankly has rocks in their head. It is another area in which the industry is working in its own way to create nicotine addiction. There has certainly been increased use of sucking tobacco overseas, and it is associated quite directly with oral and pharyngeal cancers. It shifts the site of the cancer: people do not get bronchogenic carcinoma because they are smoking: they get oral and pharyngeal cancer because they are sucking the tobacco. It is available, although rarely used, in South Australia. We want to ban it, not simply say that it is a minor offence for someone to sell it and be caught. We want to ban it to stop its popularity increasing.

It is significant that one of the Grand Prix cars last year had a Skoal Bandits sponsorship as an advertising logo. It is something we can do without, and if someone turned up tomorrow and said, 'Here's a terrific business—it's called tobacco and you roll it up in funny pieces of toilet paper, smoke it, and become addicted,' we would say, 'No way in the world. Away, away! We will have no bar of it.' We certainly do not want Skoal Bandits to be introduced into South Australia. The National Health and Medical Research Council has recently been concerned about this form of tobacco and has recommended its prohibition. It has not recommended that we control it or fine someone $25 or $50 if they are unfortunate enough to be copped for selling it in the local deli. The council recommended that the fine should be substantial and that selling this product be a summary offence.

We should make it a summary offence so that there will be no market in which the wholesalers can distribute it. I do not think we could take better advice than from the National Health and Medical Research Council.

With respect to confectionery cigarettes, the Government is concerned to prevent imitative behaviour by children which legitimises the use of cigarettes in their eyes. It is our intention that the product will be banned where there is a clear resemblance to a tobacco product. As I said a little earlier, in the case of chocolate cigarettes the resemblance is obvious.

Another common brand of candy sticks shaped, packaged and boxed to look like cigarettes, including the word, 'Fag' printed on the packet is also intended to come within the provisions of the clause. I am sure that most members would remember 'Fags' from childhood days. They were sold individually and had an imitation cork tip painted on one end. They were a vanilla type confectionery stick.

The Hon. R.I. Lucas: They were imitation cigars, weren't they?

The Hon. J.R. CORNWALL: No, 'Fags' in my recollection were white. They look just like small cigarettes with a bit of colour on the end which looked like a cork tip. I do not think that even the tobacco industry at this stage would object to our banning confectionery look-alike cigarettes. This is not Alpine: it is Alpino. Perhaps it is a half white brand; I do not know.

The question that arises first, I suppose, is why refer only to sucking tobacco? We are not, you will notice, banning chewing tobacco. At present, the Government is committed to minimal intervention in this area and does not propose to ban non smoking tobacco products which have some market; at the moment, that is chewing tobacco or snuff. The Federal Government is making some noises about banning the import of snuff, and I would certainly support that. We take the view that, where someone may have been chewing tobacco for 40 years and would deem it a hardship as they approach their three score years and ten, we are not about to try to change the habits of a lifetime.

However, we are very concerned, on all the evidence that is available to us, that there may be a substantial increase in the use of sucking tobacco as has occurred overseas, and we are concerned to stop the problem—and I mean stop it, not limit it—before it develops.

With regard to confectionery cigarettes, the Hon. Mr Cameron by his amendment would suggest that he regards it as a trivial issue. I suggest that he has not thought that through. It is quite clearly undesirable to have children mimic smoking. The Government—and I speak on behalf of the Government, despite the fact that this debate has been personalised, I think, unnecessarily and sometimes to the point of being objectionable—objects to chocolate cigarettes in the same way as it would object to soft drinks that were packaged in look-alike whisky bottles. What would be the position of members opposite if some enterprising retailer were to start to market look-alike Bacardi bottles of soft drink through the local delis?

I would think that, like other decent members of the community, they would be quite outraged. Just because confectionery look-alike cigarettes have been around for quite a while does not mean that we should be less outraged by something which tends to make cigarettes socially acceptable and to suggest to children, worst of all, that they are socially acceptable and that they can start mimicking adults in imitation smoking early, until such time as they can manage to graduate to the real thing when they are 12 or 13 years of age.

These are not trivial issues: they are very serious issues and are attracting penalties accordingly. I ask members to support this clause of the Bill and on behalf of the Government I reject the Opposition's amendment.

The Hon. L.H. DAVIS: I rise to discuss this clause and, in particular, the reference to sucking tobacco. Sucking tobacco is defined in the definition clause as meaning tobacco that has been prepared for sucking, not chewing. The impact of clause 9 will be to ban the retailing of sucking tobacco in South Australia.

It is quite another matter as to whether or not it will ban the sale of sucking tobacco by direct mail or bringing it in from overseas. Admittedly, it is a very small part of the tobacco market. Sales of smokeless tobacco products in Australia represent less than 0.1 per cent of tobacco sales. My understanding is that that market has remained pretty constant. I want to put on the record yet again a complaint which the Opposition has voiced on more than one occasion tonight, that is, that the Minister, in his rush to get to the post, failed to consult with experts in this area. We have already heard that he did not talk to the taxi industry, and that is a matter yet to be discussed, he did not talk to the Mixed Business Association; and he did not on this occasion talk to the specialist tobacconists, which are virtually the only outlets for sucking tobacco in South Australia. I refer to Tunneys tobacconists. I rang Mr Ted Tunney—

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: That was an unfortunate remark. I rang Mr Tunney on my own volition to discuss this matter with him, because I had little idea about what sucking tobacco was. It is called in the trade smokeless tobacco. I will outline exactly what these products are, because I think that it will be useful to everyone concerned. First, as the Minister has said, there is no intention to ban chewing tobacco. Tunneys, in fact, are one of the main importers of chewing tobacco in Australia. They import some 380 kilo-

grams a year and distribute it throughout Australia. In addition, they have what is called smokeless tobacco, sucking tobacco, or moist snuff, which is another term used for sucking tobacco. That takes the form of Skoal, Skoal bandits and Copenhagen; they are the main products which fall into this category of sucking tobacco.

In addition to moist snuff, or sucking tobacco, there is also dry snuff, which is used through the nostril for medicinal purposes. It is medicated snuff and that is its main use. It is used for sinus trouble. The incidence of the use of dry snuff is much larger than the use of moist snuff. I was fascinated to find out why this was being banned. There has been some evidence presented by the Minister tonight about this matter, but I have read evidence to the contrary. Certainly, the incidence of the use of sucking tobacco here is far less than in America.

I was particularly interested to find out who were the people using sucking tobacco. I suggested that Mr Tunney conduct a survey of who used it. This is the sort of thing that the Health Commission did not bother to do. I am surprised that they did not even consult with Mr Tunney, or with anyone in respect of this product, to find out who uses it. That is the sort of sloppy research that has been conducted by the Health Commission when it comes to impinging on people's rights. I tell the Minister right from the start that in clause 9 he is repeating what he did in clause 4—infringing on the rights of minorities, very much so in this case. He is infringing on the rights of people who were born overseas and, just as I instanced in clause 4, there are many exotic cigarettes which are products of Europe and Asia and which are bought at Tunneys and at other specialist tobacconists by people who were born in those countries and who like to maintain that link with their former homeland. That has been effectively banned by the introduction of clause 4 (3). So, too, the attempt to ban sucking tobacco has a similar impact.

Although, as we have already mentioned, only .1 per cent of total tobacco sales are sucking tobacco, the fact is that 75 per cent of the surveyed group through Tunney's were people born in places other than Australia. The survey was undertaken over a period of seven working days, and that includes today. Mr Tunney kindly arranged this survey for me and details of the age, sex and country of origin of the person were recorded, together with comments. The result of the survey was that over seven working days only 12 people bought sucking tobacco, smokeless tobacco, moist snuff, or whatever it is called. The products sold are mainly Skoal and Copenhagen.

Three of the people surveyed were Canadians, three were from the United States, two were from England, one was from Ireland, with only three being born in Australia. So, 75 per cent, or nine out of the 12, were born overseas. Of those people, only one was under 20 years of age; three were between 21 and 30; two were between 31 and 40; two were between the ages of 41 and 50; and four were 50 or over. All of them were male, although that should come as no surprise. Their comments are interesting also. One gentleman, formerly of the United States, said:

> I have been chewing Copenhagen for 35 years. What business of the Government is it that I choose to use tobacco. Big Brother is watching you.

Another gentleman, Australian born, said:

> I have been using Copenhagen for 15 years and I cannot see what it has got to do with the Government or anyone else.

The Hon. R.I. Lucas: What about the fellow who said something about the vet?

The Hon. L.H. DAVIS: Someone said, 'Get knotted, Mr Vet.' That comment came from someone from England who had been using this product for a long time, as well. Someone born in Canada said, 'We have chewed this for three generations in my family.' So, there we are. We are talking about 12 people—and probably not too many others in South Australia are buying it.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: They are chewing what is known as sucking tobacco, either Skoal or Copenhagen. I believe that the impact of sucking tobacco is less than that of nicotine. I do not think that the Minister would have any evidence—

The Hon. J.R. Cornwall: It is nicotine, you silly fellow.

The Hon. L.H. DAVIS: I mean that the impact of sucking tobacco is less than is the impact of nicotine from smoking cigarettes.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: The good doctor's continual reference to my pursuit of money is something that of course is well short of the mark. I am not in this Parliament because I am in pursuit of money: the Hon. Dr Cornwall should know that. I could, hopefully, be pursuing a much more prosperous career outside Parliament. I am not so confident of whether the good doctor could be, knowing what I do know about his pursuits in another place. The other point that should be made also is that I understand that about 50 United States military personnel use smokeless tobacco products at Woomera in South Australia. Those personnel would be affected by the ban.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: There we have the idiocy of the whole provision: the Minister says that we have a big plane flying in with all the provisions. Of course that is right—they would not be affected by the ban, even though they live in South Australia.

The Hon. J.R. Cornwall: I am not responsible for the health of Americans, old fellow.

The Hon. L.H. DAVIS: Exactly—we are talking about 75 per cent of the people buying these products, people who were born overseas and who now live here either permanently or temporarily. The other idiotic thing about this suggestion is that it will not prevent people who prefer to use smokeless tobacco products from sourcing their purchase interstate, through mail order. The ban will not work. Quite clearly, it is easy enough to ship in a whole range of these products, which are conveniently packed in 10s, from Queensland or any other State, because, as I understand, no other State has seen fit to ban these products.

First, does the Minister believe that it is fair to ban a product which is used largely by people who may live here temporarily or permanently and traditionally use that product? Secondly, does the Minister admit that it is not used traditionally by Australians? That is borne out by the survey that I conducted over the past seven working days through Tunneys. Thirdly, does the Minister believe that the ban will be effective, because my strong view is, as the Minister has already admitted in respect of tax free cigarettes coming from Queensland, that will always be the case for smokeless tobacco products. People who prefer smokeless tobacco or sucking tobacco will find a way around the problem by bringing it in from Victoria, New South Wales or Queensland?

The Hon. M.J. ELLIOTT: Sometimes we take a long time to say very little. I think that there are two separate questions. I will make the way that I intend to vote quite clear and that might save a lot of time. I believe that, while confectionery cigarettes may be a relatively small influence, nevertheless they may be an influence and I think that their removal would be a good thing. I do not think that their removal will cause a great deal of heartache to the confec-

tioners who have an incredibly wide range of other products to sell and, as such, I do not see any great argument with that.

In relation to retail sucking tobacco, my concern is that, if we do not have a clause which addresses sucking tobacco, we are likely to see what happened in the United States occurring here. In the United States there is positive promotion of the product and it is all very well to talk about 12 customers of which 75 per cent come from overseas, but in five years time I would not like to see sucking tobacco gaining popularity and a few years later observing the consequences of that. If the Hon. Mr Davis were genuinely concerned about that small number of people who are affected, he probably would have introduced a clause similar to the one that I suggested to him privately which might have solved the other problem he had about foreign cigarettes. I am sure that there is some way by regulation that we can allow the small number of people involved to continue using it.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: That is nonsense because, if it is sold in the current circumstance, the product quite possibly will be advertised in the future and we will not talk about the small number that we talk about now and the Hon. Mr Davis should be well aware of that. If he is genuinely concerned about those people, I suggest that he could have introduced a workable clause to overcome the problem which did not allow any form of promotion of the product but which allowed it to be sold by a very narrow range of retailers, probably specialist tobacconists. They would sell it to that very small number of customers and we would not see the product expand.

The Hon. L.H. Davis: They can still import it.

The Hon. M.J. ELLIOTT: The honourable member should listen to everything I say and not come in half way through. It is rather hard to concentrate at 12.10 a.m. The sooner we vote, and the sooner I go home, the better.

The Hon. M.B. CAMERON: I am a little concerned when I hear the Hon. Mr Elliott say that it might help members if they know which way he will vote and that it might stop the debate. I advise him to use those words very carefully, because this Council is not run on the votes of one or two members. Debate in the Council in Committee is for the purpose of obtaining information and, at times, to attempt to dissuade reasonable Ministers to change their minds. In the early Committee stage tonight we saw two or three such changes.

Members interjecting:

The Hon. M.B. CAMERON: It is important that the Committee stage be conducted—

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: I warn the Hon. Mr Elliott that it is not a bad idea to indicate a point of view, but not a good idea to be so arrogant as to believe that, because you have indicated a point of view, debate will cease forthwith. He is only one member of this Council. That is the implication that came across to me.

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: The rabbiting on is a matter of opinion, and the fact that the Hon. Mr Elliott has an opinion on that matter does not mean it is necessarily so. Again, I warn him not to become too arrogant in his position of occasionally having the balance of power because it really does not do his cause any good.

I know what it is like. I have been in that position and I know the feeling of euphoria and power that can come over one. He should try to restrain himself in this new found power and listen carefully to both sides, not only to lobbyists from outside or from inside his own Party, or from Melbourne or wherever they might be. He should listen to what other people have to say, particularly the Opposition, because we have a point of view and it should be considered. Perhaps he has listened carefully to what I have said—I hope so.

In relation to confectionery cigarettes, I know that the Minister has presented some examples that I would find unacceptable. I agree with the Minister that there are some types of packaging that need to be looked at very carefully. Unfortunately, that is not what the clause says. It refers to 'confectionery cigarettes designed to resemble cigarettes'. To give an assurance that inspectors or others who will take on the disciplines under this Bill will not do anything about it does not satisfy me because over the years I have been in politics, I have seen inspectors from Government departments do some unusual things to small business people.

In fact, I have seen them almost destroy some small businesses on very flimsy grounds. It always concerns me to give vague directions. I like things to be fairly clear—in black and white—before we send some of these people out into the field to set about their jobs. I do not know how we overcome that problem, but I think it needs to be thought out a little more as to how we define what is a product designed to look like a cigarette. I know that the Minister now accepts that fags or lolly cigarettes as we have always seen them in shops are not a problem and should not be subject to these particular draconian fines. The question of the amount of the fine is also addressed in my next amendment, and that needs to be carefully looked at because a $2 500 fine is going overboard—it is beyond the pale.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, and R.I. Lucas.

Noes (10)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. C.J. Sumner.

Majority of 1 for the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 12.27 a.m. the Council adjourned to Thursday 23 October at 2.15 p.m.